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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: The love of the Lord is perfect; it gives life to the soul. The word of the Lord can be trusted; it gives wisdom to all. The command of the Lord is clear; it gives light to the eye.

Those who love their neighbors fulfill the law, for the whole law is summed up in the command to love. So the command of the Lord is clear. Let us embrace it with our whole heart both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Speaker's policy with regard to special order speeches announced on February 11, 1994, as clarified and reiterated by subsequent Speakers, will continue to apply in the 110th Congress and, without objection, will be printed in the RECORD.

There was no objection.

On Tuesdays, following legislative business, the Chair may recognize Members for special-order speeches that may not extend beyond midnight. On other days of the week,

the Chair may recognize Members for special-order speeches for up to 4 hours after the conclusion of 5-minute special-order speeches. Such speeches may not extend beyond the 4-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, the Chair will not recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for 5-minute special-order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize Members for longer special-order speeches. A Member recognized for a 5-minute special-order speech may not be recognized for a longer special-order speech. The 4-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition for periods longer than 5 minutes also will alternate initially and subsequently between the parties each day.

The allocation of time within each party's 2-hour period (or shorter period if prorated to end by midnight) will be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than 1 week prior to the special order. Additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a "crawl" indicating the conduct of morning-hour debate or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. The Chair may announce other adaptations during this period.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII should circumstances warrant.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

OPPOSITION TO INCREASING U.S. TROOP LEVELS IN IRAQ

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Madam Speaker, I rise today in strong opposition to increasing U.S. troop strength in Iraq. As one Member of Congress who voted in support of the Iraq resolution in 2002, I recognize the pretext for going to war was based on faulty, misleading intelligence. I can not reverse that vote, but I can no longer acquiesce to a failed and tragic military exercise in Iraq.

Two months ago, Generals Casey and Abizaid stated they did not support increasing U.S. troop levels in Iraq. Last month, President Bush maintained that military policy with regard to Iraq would be determined by our military leaders. However, last week President Bush ignored his top military advisors and called for a 20,000-plus increase in U.S. troops to Iraq.

I, along with others, have been pressing the administration to level with the American people on the status of the American security forces being trained and ready to defend their nation. If Iraqis are trained and ready as we are told, we should begin a planned phased withdrawal of U.S. forces; if not, the administration should tell us when they will be trained and ready.

Sending more troops to Iraq does nothing to enhance the Iraqis' training; it only places more U.S. forces into harm's way to become additional targets for the insurgency. This failed policy must be stopped.

We can support our troops in the field and oppose the escalation of U.S. forces. I urge all my colleagues to work in opposition to the President's increase in U.S. forces.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H673

OPPOSITION TO DEMOCRATS' PROPOSED ENERGY BILL

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I rise today to call attention to the Democrats' proposed energy bill that would only hurt hardworking Americans through raising taxes, forcing the cost of gas and home heating oil to increase, and inflicting massive job losses as a result.

In the 109th Congress, I distinctly remember the Democrats continually saying that the Republicans were outsourcing jobs. With increased taxes, many hardworking Americans in the oil industry will lose their jobs to overseas corporations, not only hurting the American worker, but also increasing our Nation's dependence on foreign oil.

We have not built a refinery in America since 1976, which further has added to our dependence on foreign oil by giving the Organization of Petroleum Exporting Countries, OPEC, massive control over us.

Madam Speaker, if we want true energy reform, we must begin to build refineries, allow for responsible exploration of energy within our own borders, and invest in energy alternatives.

Raising taxes, causing job losses and increasing fuel costs are not the answer. If we fail to act in a responsible manner, we are continuing to allow ourselves to be at the mercy of OPEC and the nations that control it.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 74) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 74

Resolved, That the following named members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Mr. Bonner, Mr. Garrett of New Jersey, Mr. Barrett of South Carolina, Mr. McCotter, Mr. Mario Diaz-Balart of Florida, Mr. Hensarling, Mr. Daniel E. Lungren of California, Mr. Simpson, Mr. McHenry, Mr. Mack, Mr. Conaway, Mr. Campbell of California, Mr. Tiberi, Mr. Porter, Mr. Alexander, and Mr. Smith of Nebraska.

(2) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Manzullo, to rank after Mr. Rohrabacher.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE HILL OF OPPOSITION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. My colleagues, a few years ago I was doing some climbing of hills and mountains in Colorado, and when I had started my journey I looked up into the hills and it looked like it would take a few hours to climb to a hill. I started my climb and I finally got there, it took about a half a day. And when I got to the top of this hill, when I was first starting I thought I would just get there and I am right at the top, I am at my destination; but as I got to that top of that hill, I saw there was another hill, and I had to climb another half day.

This Congress is about to climb a hill, and that hill is opposition to the escalation. But when we climb that hill, we are only going to be halfway there because the top of the hill we've got to reach, that second hill, is called "ending the occupation." Stopping the escalation is only half the journey here, we have to end the occupation.

Similarly, people say, well, now they oppose the war. Well, opposing the war, well, that is halfway up that hill. Take that journey. But going all the way up the hill you are going to have to say, stop the funding for the war. The Kucinich plan enables us not only to stop the funding for the war, but to secure Iraq and create a whole new America and world.

"FOREIGN CRIMINALS ARE FREE" IN THE CITY BY THE BAY?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. When foreigners commit crimes, serve their time, they should be sent back to their native land; but some jurisdictions ignore this commonsense idea and foreigners are not deported. In fact, an audit ordered by this Congress showed that foreign citizens get arrested, go to jail, and on an average—get this—six more times they are arrested after they are released from American jails and not deported. That's right, foreigners commit a crime, go to jail, then cities let them hang around to commit more crime in the "Land of the Free."

The Federal Government has even dumped taxpayer dollars into jurisdictions to help the cost of jailing these foreign criminals. Some jurisdictions take the money but don't help with sending these outlaws back home. San Francisco took \$1 million, but, folks, it is a "City of Refuge"; in other words, give us your tired, your poor foreign criminals who steal and rob that are yearning to be free, and we will let them stay in the City by the Bay.

Foreigners who commit crime should go to jail and then be sent back across the seas where they belong.

And that's just the way it is.

SECURITY BREACH

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, I would like to draw the attention of my colleagues to a large-scale data breach that was announced just yesterday. A hacker was able to gain access to the database maintained by T.J. Maxx and others, and was able to obtain payment card information stored in the database. Millions of cardholders' records are now potentially compromised, all affecting all major payment card brands.

Mr. Speaker, the situation is under investigation and we do not know all the facts yet, but we do know that this is not the only example, it is only the latest in a long series of breaches. The largest so far was CSSI, and this affected over 40 million cardholders in America. This breach that happened yesterday, or was announced yesterday, may even be larger.

How many more breaches like this will the public tolerate before Congress acts to adopt national data security rules?

CONTRACT WITH AMERICA VS. 100 HOURS AGENDA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, another day, another closed rule governing consideration of legislation in the people's House. The other side likes to highlight the bipartisan support for their so-called 100 hours agenda. But almost 2½ weeks into it, Republicans have yet to be allowed a single amendment on this floor. No committee hearings, no amendments, no alternatives.

Mr. Speaker, it doesn't have to be this way. In 1995, the process under the new Republican majority was far more open. Just look at the numbers. The Contract with America was comprised of 24 bills. Only three of those bills were considered under a closed rule. Democrats were allowed to offer 154 amendments to the Contract with America legislation and 48 of those amendments passed.

Mr. Speaker, the people's House should be a place where all the people have a voice, opportunity to offer amendments, alternatives, and let the best idea win. Under Democratic rule, that is not the case.

BRINGING SENSE TO THE ENERGY DEBATE, BRINGING JOBS HOME

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker and ladies and gentlemen, I would like to talk about the commonsense energy debate that we are going to have today in regard to the bill that we are proposing. Being from the Midwest and from Ohio, I truly believe that our energy costs in Ohio are one of our most significant problems with why we haven't been able to do as much business development as we would like to.

We have the opportunity right now instead of paying royalties to the companies that are providing us with our energy, we can now invest in alternative ways of finding resources to be able to provide the energy for our people and to stimulate the business growth, especially in Ohio and hopefully in America as well.

It is important to realize that we have the opportunities to burn ethanol. I am excited about the fact that certainly in my area we have an abundance of coal, and with clean coal technology we can create more energy. We have the opportunity now, Mr. Speaker, to look at coal-to-liquid fuel as an alternative to lessen our dependency on foreign oil. I truly believe that this is a move in the right direction, Mr. Speaker, and something that will help. I am looking forward to resolving the energy problems of our country.

□ 1015

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Speaker, reserving my right to object, could the Speaker tell me why we are limiting 1-minute to five per side, yet we are getting out today in the middle of the day at 2 o'clock?

Mr. Speaker, I will accept that for an answer. I just wanted to ask the question and make sure that we understood that we are.

NO REASON TO CELEBRATE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today the majority party will increase taxes on American oil companies and, hence, on all Americans. And they will increase our dependence on foreign oil. This will complete the sixth item of the majority party's initial agenda. This is the sixth time, but certainly not the last time, that Democrats will put forth a policy that fills a sound bite, but not sound policy. And according to a Democrat clock that stops and starts when it is politically convenient, they will be completed within 100 hours.

While those from across the aisle will pat themselves on the back, this is no cause for celebration. Adopting legislation without allowing consideration by any committee, or even a single amendment, is not a reason to celebrate. Applying the rules of the House only when they serve your purpose are no rules at all. And a blatant disregard to follow through on promises made in November shatters the trust of the American people and is no reason to celebrate.

This is the people's House. It thrives when ideas are wrestled with and challenged. The best ideas and solutions then rise to the top.

Mr. Speaker, the American people are watching. Doing anything less is no reason to celebrate.

A NEW DIRECTION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, today we are going to discuss energy and a new direction.

The Speaker has set a vision to get us off our oil addiction. And in order to do that, we have got to find some money to begin to develop alternative energy sources.

Now, the newspapers today are filled with stories about why we are still in Iraq. We are trying to get a law passed over there that puts in production sharing agreements with the big oil companies of this country. We are trying to get a hold of the Iraqis' oil. We want to take 70 percent of the profits at the beginning.

Now, no Iraqi who has any nationalist feelings is going to sign that, and that is why we are still there 4 years later. We are still trying to get a hold of their oil and control it.

This country has to take the beginning step today, with H.R. 6, to get us off this oil addiction. Alternative energy, whether you are talking solar or wind or biomass or bio diesel, all these are ways that Americans can use for energy and we don't have to live off the rest of the world. We get 3 percent of our oil from the United States. All the rest comes from outside. We are totally dependent on it.

COUNTY PAYMENT

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, this Congress and the last have failed to keep the Federal Government's commitment to the people who live near our national forests. This breach of faith means 100 hardworking county employees in Jackson County, Oregon, will lose their jobs in June. That is 10 percent of the county's workforce.

Within 3 months, Jackson County will close all 15 county libraries and slash their road budget.

Remember the heart wrenching search for the Kim family lost in the national forest in southern Oregon? Jackson County used their equipment to help in that search, equipment and personnel paid for by the Secure Rural Schools and Community Self-Determination Act. As Jackson County Commissioner C.W. Smith said: "Loss of this program is a national domestic funding crisis."

I call on the Democratic leadership to put H.R. 17 on your 100-hour legislative agenda. Keep faith with rural schools and counties. Keep the word of the Federal Government to timbered communities.

ELECTION OF MEMBERS TO COMMITTEE ON THE BUDGET

Mr. PALLONE. Mr. Speaker, I offer a resolution (H. Res. 73) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 73

Resolved, That the following named Members be and are hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON THE BUDGET.—Ms. DeLauro, Mr. Edwards, Mrs. Capps, Mr. Cooper, Mr. Allen, Ms. Schwartz of Pennsylvania, Ms. Kaptur, Mr. Becerra, Mr. Doggett, Mr. Blumenauer, Mr. Berry, Mr. Boyd of Florida, Mr. McGovern, Ms. Sutton, Mr. Andrews, Mr. Scott of Virginia, Mr. Etheridge, Ms. Hooley, Mr. Baird, Mr. Moore of Kansas, Mr. Bishop of New York.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLEAN ENERGY ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 66 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 66

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) three hours of debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair

may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purposes of debate only, I yield my friend from Florida (Mr. DIAZ-BALART) 30 minutes, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 66 is a closed rule that allows the House to consider the final piece of the first-100-hours agenda. This rule, as has been mentioned, provides 3 hours of debate in the House, with 60 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, 30 minutes equally divided and controlled by the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member on the Committee on Science and Technology.

Mr. Speaker, I expect that we will hear a great deal from my friends on the other side of the aisle about process, and they will be upset that this is a closed rule.

Mr. Speaker, Democrats campaigned on changing the culture in Washington. We campaigned on ending the culture of corruption and on draining the swamp, and we have done that. We campaigned most importantly, Mr. Speaker, on doing what is right for hardworking American families whose priorities and whose concerns have been ignored for the last 12 years.

Over the last 100 hours, Mr. Speaker, the House has voted to clean up the ethical mess in Congress, to strengthen homeland security, to combat the Federal deficit by instituting pay-as-you-go rules, to invest in lifesaving stem cell research, to make college more affordable by lowering the interest rates on student loans, to reduce prescription drug prices for seniors by allowing the government to negotiate lower prescription drug prices, and to increase the minimum wage for millions of hardworking and underpaid workers in America.

Mr. Speaker, I am very pleased to note that each of these initiatives not only has passed the House of Representatives, but has enjoyed strong bipartisan support.

And in a difference in approach to legislation compared to the Republican majority in the past, who used to subscribe to the rule that they would only bring measures to the floor if a majority of the majority on their side supported it, I am happy to report that yesterday's vote on making college tuition more affordable for our young people not only enjoyed a majority of the majority in terms of support, but a majority of the minority actually voted in support, and that is refreshing.

Mr. Speaker, we made a promise to the American people that we would achieve these goals quickly, and that is what we have done. And in order to keep that promise to the voters, we have utilized an expedited process.

With the passage of this rule, the House will consider H.R. 6, the CLEAN Energy Act of 2007. As an original cosponsor of this legislation, I am proud to stand here in support of this initiative.

The voters sent us a message in November. They called us to account for bill after bill of kickbacks to special interests like Big Oil. We were not sent here to allow huge corporations to continue to reap the benefits of tax breaks while gouging their customers at the gas pump. I commend Speaker PELOSI and Majority Leader HOYER for holding true to their commitments and listening to the American people by bringing this legislation to the floor for a vote.

The distinguished chairmen of the Committees on Ways and Means, Mr. RANGEL, and Natural Resources, Mr. RAHALL, crafted this legislation to balance fiscal responsibility with our Nation's growing energy needs.

At long last, Mr. Speaker, Congress is putting its money where its mouth is and increasing our investment in renewable energy. We are not just talking the talk; we are walking the walk. We promised no quick fixes. It took years of failed legislative policy to dig us into this hole. But the bill before us today will set us on the path toward energy independence.

For years, experts have warned of an impending energy crisis. They pointed to the Nation's increasing oil and gas consumption and called attention to our limited supply of these natural resources. Unfortunately, Congress and the Bush administration failed to heed these warnings. In fact, under the Republican-controlled Congress, Federal investment in alternative energy sources actually decreased over the past decade. And at the same time, the administration prescribed more of the same, giveaways to the oil and gas industries.

During the 109th Congress, President Bush heralded the Republican Energy Policy Act of 2005 as a necessary approach to the Nation's energy crisis. In all, it provided \$8.1 billion, let me repeat that, \$8.1 billion in tax incentives for the entire energy industry. And despite their record profits, oil and gas companies took 93 percent of these tax breaks, \$7.5 billion.

Now, I suppose that that shouldn't be a surprise to many people here, given the fact that in the 2006 elections the oil companies gave \$17.5 million to candidates running for Congress. \$14.5 million of that money went to Republicans.

Mr. Speaker, all that money going to the oil industry did not leave very much money for alternative and renewable energy supplies. So, Mr. Speaker, when that energy bill was debated, many of us on this side of the aisle

voiced concerns that the bill would do nothing to ease the price of gas at the pump or decrease our dependence on foreign oil or provide significant investment in renewable sources of energy.

I should say, Mr. Speaker, there is study after study after study, news article after news article after news article which support our concerns, unfortunately.

Mr. Speaker, H.R. 6 is a critical step in the right direction. It closes the tax loophole for oil companies which provided Conoco Phillips \$106 million in 2005, even as that company enjoyed profits totaling \$13.5 billion. It rolls back tax breaks for geological studies for oil exploration and repeals five royalty relief provisions from the 2005 energy bill.

□ 1030

Finally, Mr. Speaker, and I think most importantly, for a lot of us who believe that we need to do more to achieve energy independence, it reinvests those funds into clean, renewable energy and energy efficiency. Certainly, there are no easy solutions to remedy our energy crisis.

But we know one thing for certain, if we fail to pass this bill and make the necessary changes and investments now, our dependency on foreign oil will continue to worsen. The time to is now. For those who want the same old, same old, who are married to the status quo, vote the rule down. But for those who are tired of being dictated to by big oil companies, for those who believe that we should reinvest in renewable energy, for those who believe that citizens matter more than campaign contributions, vote "yes" on this rule.

Chairman RAHALL said in his testimony before the Rules Committee 2 days ago that what we are considering today is just the first step. We have much more that we need to do. I look forward to working with him and other Members of this Congress and moving this country forward.

Mr. Speaker, I commend the leadership, Mr. RANGEL and Mr. RAHALL, for their work. I urge my colleagues to join me in supporting the rule and supporting the supporting bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield myself such time as I may consume.

I would like to thank the gentleman from Massachusetts for the time.

Fairness, openness, sunshine, transparency, bipartisanship, those are just some of the words that the new majority used to describe the way they were going to run the 110th Congress. But today, as we begin debate on the sixth bill of the Democrats' "100 Hours for 6" or 100 hours agenda, we have seen all too clearly, Mr. Speaker, the truth about those promises.

They have been, at best, hollow promises.

On Tuesday of this week, the Committee on Rules met to take testimony and report a rule on the legislation that has been brought to the floor today. Before any testimony was even taken, the distinguished chairwoman of the committee announced that the committee's majority would report out a closed rule.

After the chairwoman's declaration, there really was not any need for testimony or debate on any amendments. The Rules Committee had been closed for business. The majority had already made up its mind to block amendments despite any merits of all possible amendments that could be brought before the committee.

Mr. Speaker, it is difficult to see how you can claim an open and transparent process when you block all amendments before they are even brought before the committee.

During consideration of the bills that comprised the Contract with America in 1995, we Republicans allowed consideration of 154 Democrat amendments; 48 Democrat amendments eventually passed the House and were included in the Contract with America bills that passed the House of Representatives.

But that is not what we see happening today, Mr. Speaker. Today as we consider the last of the new majority's 100 hour agenda, we have not had the chance to debate one amendment, not even one.

From either party, they have been consistent, they close out their Members as well. They promised openness, they promised transparency. Some openness, some transparency.

According to the majority leader's office, Mr. Speaker, we have over 65 hours left in the so-called 100 hours for 2006. The reality is that we have more than enough time, more than enough time to debate some thoughtful amendments. What does the majority plan to do with the rest of their 100 hours? Are we to expect more closed rules?

The 100 hours for 2006 campaign means that six people make all the decisions, apparently. I would imagine it is the Speaker, the majority leader, the whip, the caucus chairman and two others, six for '06 and six for '07 and six for '08, but then the American people get to speak again.

Now, Democrats claim that Congress already debated the bills last year, the bills that are being brought forth to the floor. While it is true that some provisions have come before the Congress in other legislation in previous Congresses, provisions that may be in legislation brought before us under these closed rules that shut out all the amendments, there are many aspects of the bills, including the bill today, that have never seen the light of day. Even more important is that our 54 new colleagues, they were not here for any of our previous debates. Four committees of jurisdiction have jurisdiction over the bill that the majority brings to the floor at this time, Ways and Means, Resources, Budget and Rules. Yet the ma-

jority did not allow any of those committees of jurisdiction to hold any hearings or debate the bill.

I am honored to serve as the ranking member on the Rules Subcommittee on Legislative and Budget Process, which has jurisdiction over parts of this underlying consideration. The subcommittee has never held a hearing on the bill. The majority decided it was better if the bill never saw the light of day in any committee process.

I think it is important to recall why we have committees, why we have a committee process. The committee process allows Members to understand the merits and implications of bills and to vet, refine and amend legislation. Completely shutting out committees of jurisdiction is certainly not healthy for the democratic process.

This year we have already seen what happens when you bypass the committee process and blindly bring legislation to the floor. We get outcomes, such as the one in the minimum wage bill that ends up exempting companies from paying the minimum wage in American Samoa. If it had gone through the committee process, at least we would have known about that aspect of the bill. If we had held hearings on the underlying bill before us today, we would learn some of the consequences of this bill.

For example, some bill would cut back on incentives for domestic production of oil and gas. Those incentives are aimed, and the existing incentives, are aimed at reducing U.S. dependence on foreign oil by encouraging domestic exploration and production of oil and natural gas. Removal of those incentives will drive up the cost, obviously, for those who search for oil and gas and thus increase our dependence on foreign suppliers, such as Venezuela and Nigeria. Those countries, I would maintain, are not reliable sources. In the case of Venezuela, its government is clearly anti-American. Do we really want to rely on those countries? Apparently the majority today is saying yes.

Republicans are committed to increasing clean energy supplies and increasing our domestic energy sources. Since 2001, we have seen the investment of nearly \$12 billion to develop cleaner, cheaper and more reliable domestic energy sources. This includes the development of biofuels such as cellulosic ethanol, advanced hybrid and plug-in, hybrid electric vehicle technologies, hydrogen fuel cell technologies, wind and solar energy, clean coal and advanced nuclear technologies.

You know, we hear my friend from Massachusetts talking about the fact that some tax breaks or unfair tax breaks were given to the oil and gas companies. It is interesting, because I was seeing a report from the Congressional Research Service that talks about despite the fact that there has been a lot of talk and there continues to be a lot of talk over the tax breaks

given to big oil in the energy bill that we passed in 2005, in reality, that energy bill substantially raised taxes on the oil and gas industry \$300 million. There was a \$300 million tax increase, according to the Congressional Research Service, while at the same time, giving more than almost \$9 billion in tax incentives for alternative clean and renewable energy resources.

The bottom line, Mr. Speaker, is that we should not be considering closed rule after closed rule after closed rule and systematically bypassing the committee process. This constant bypass operation that our friends on the other side of the aisle have become enamored to, the constant bypass operation, it really constitutes an affront, I would say, to the democratic spirit as well as, obviously, to the promises that were repeated and repeated by our friends on the other side of the aisle before they arrived and constituted and instituted the continuous, constant bypass operation, bypass the committees, bypass the Members, bypass the possibility of amendments, and go straight to the floor with legislation that no one has seen. That is not healthy. That is not healthy, Mr. Speaker.

Mr. Speaker, at this time I reserve the balance of my time.

Mr. MCGOVERN. First of all, let me thank the gentleman from Florida for voting with the Democratic majority in support of increasing the minimum wage and for voting with us to make it more affordable for students to go to college. We appreciate your support. Judging from his statement on this bill, I get the sense that he is opposed to the underlying bill.

Let me just say if you are opposed to the underlying bill, vote "no" for everything. If you are for the same old, same old, if you want more, if you support tax breaks and subsidies for big oil, if you are against investing more in renewable energy, vote "no" on the rule, vote "no" on the underlying bill. I mean, that is the way this place works. That is your right.

Mr. Speaker, I yield 3 minutes to the distinguished member of the Rules Committee, the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman for yielding me the time.

Mr. Speaker, 2 weeks ago we passed legislation to end the culture of corruption in Congress. Today we consider legislation to reverse some of the harmful consequences of that corruption. H.R. 6, the CLEAN Energy Act, will repeal \$14 billion in tax reduction subsidies and other outrageous benefits given to the big oil companies.

Many of these measures were included in legislation that was written in backroom and late-night meetings. With the passage of our ethics reform in this bill, we are fulfilling our responsibility to the American people to clean up Congress and reverse the past lapses that led us to where we are today.

□ 1045

Mr. Speaker, this legislation not only repeals the excesses given to oil companies, our bill uses the money to create a Strategic Renewable Energy Reserve. This will invest in clean renewable energy resources and alternative fuels, promote new energy technologies, develop greater efficiency and improve energy conservation. Investing in alternative and renewable energies and efficiency is not only about protecting the environment and homeland security, it is about promoting new industry and creating jobs.

This type of new investment will help create jobs and support industries in northeast Ohio, where we are already working on new energy technology through organizations like the Ohio Fuel Cell Coalition, which is working to strengthen Ohio's fuel cell industry.

I am proud to say that this coalition includes the University of Akron and the Lorain County Community College in my congressional district. This investment in new energy technology, combined with new incentives and initiatives to make higher education more accessible recently passed by this Congress, will help ensure that our students have the education and the skills necessary for the jobs of the future.

That is what we are doing here today, eliminating the abuses of the past and investing in our Nation's future. Let's pass the CLEAN Energy Act.

MAKING IN ORDER AT ANY TIME CONSIDERATION
OF H.R. 475, HOUSE PAGE BOARD REVISION ACT
OF 2007

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House H.R. 475; the bill shall be considered as read; and the previous question shall be considered as ordered on the bill to final passage without intervening motion except: 30 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and one motion to recommit, with or without instructions.

The SPEAKER pro tempore (Mr. CAPUANO). Is there objection to the request of the gentleman from Massachusetts?

Mr. LINCOLN DIAZ-BALART of Florida. Reserving my right to object, Mr. Speaker, and I may not object, but I don't have a copy of what the gentleman, my friend, was talking about. If the gentleman would explain the motion, because I was not shown a copy before.

Mr. MCGOVERN. This is on the Page Board issue, and the explanation is here. My understanding is that your side has had a copy of this.

Mr. LINCOLN DIAZ-BALART of Florida. I have received it now. I certainly see no reason to object, and I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding.

Mr. Speaker, let me say to my colleagues that this is the seventh bill that has come to this floor that has not gone through committee, that has not had ample opportunity for amendment in subcommittee or full committee, no opportunity for an amendment on the floor on any of these bills, nor the opportunity for our side of the aisle to offer a substitute.

I am encouraged that the Rules Committee this week has organized and met, but I would note that as the Rules Committee opened, the first debate on the first rule where there was going to be a rule on the bill yesterday, the chairwoman of the Rules Committee made it clear before there were any witnesses before the Rules Committee, before there was any testimony, before there was any discussion, that this would be a closed rule, there would be no amendments, and there would be no substitute offered to the Members on our side of the aisle.

I come here today to talk to my colleagues. The gentleman from Massachusetts who is managing this rule for the majority knows exactly what I am talking about. We have had this discussion here for a long time.

I understand the need for the majority party to want to make its move, to make its first impression; and I understand the first couple of bills had to come flying right to the floor. But we are short-circuiting democracy here, and I think my colleagues on both sides of the aisle understand that.

On the opening day, when I handed the new Speaker the gavel, the first woman in the history of our country to be Speaker, I said that the House needed to work in a more bipartisan way. Over the course of the last several years, I heard my colleagues on the other side of the aisle talk about the need to work in a more bipartisan way.

I said also on the opening day that we do have different ideas about how to solve America's problems and that we should cherish the differences that we have, we should debate them, that we can disagree here without being disagreeable. I also said that we should be nice.

What I didn't say is that we shouldn't be silent, and I won't be silent on behalf of our Members on this side of the aisle.

I think that there is a lot to be gained in bringing legislation to the floor that has been through the subcommittee process, that has been through the committee process, that has an opportunity for a real Rules Committee debate and an opportunity for Members on both sides of the aisle to offer amendments, to allow the minority the opportunity to offer a sub-

stitute. That is what the American people want. Our Members represent some 48 percent of the American people, and we are being silenced in this process.

I understand it is in the process. The new majority has only had the majority for 2 weeks. But I am here today to ask my colleagues on the other side of the aisle to live up to the promises that were made, to live up to the desire to be treated fairly.

When we took control of this House in 1995, we had a lot of Members in the new majority then who said we ought to treat the Democrats the way they treated us, and I argued vociferously that that was not the right thing to do, that we should treat the new minority as we had asked to be treated. We worked and I worked to be sure that we were living up to our commitment to treat the then-Democrat minority as we wanted to be treated back in the early nineties when we were making an awful lot of noise.

Over the last year, there has been an awful lot of conversation coming from my colleagues on the other side of the aisle when they were in the minority to make things more fair.

Let me quote one of the pledges: "Bills should generally come to the floor under a procedure that allows open, full and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute."

What we are asking for here is fairness, fairness in this process, so that all Members can participate in a deliberative process on behalf of our constituents. Our constituents are just as important as your constituents, and they have a right to be heard and their Members have a right to participate in this process.

So I ask my colleagues, when? When is the time going to come to live up to what you asked for, to live up to your promises, and to live up to your commitment?

MOTION TO ADJOURN

Mr. BOEHNER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 184, nays 233, not voting 18, as follows:

[Roll No. 34]

YEAS—184

Aderholt	Bachus	Bilbray
Akin	Baker	Bilirakis
Alexander	Barrett (SC)	Bishop (UT)
Bachmann	Biggert	Blackburn

Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte

NAYS—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver

Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel
E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Mussgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri

Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Davis (AL)
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Doyle
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson

Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick

NOT VOTING—18

Barton (TX)
Burton (IN)
Buyer
Calvert
Costa
Cubin
Davis, Jo Ann

Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

NOT VOTING—18

Donnelly
Engel
Johnson, Sam
Levin
Lucas
Marchant
McMorris
Rodgers
Norwood
Peterson (PA)
Ramstad
Waters

□ 1122

Mr. WILSON of Ohio, Mrs. CAPPS, and Mr. BERRY changed their vote from “yea” to “nay.”

Messrs. GOODLATTE, SOUDER, KNOLLENBERG, ISSA, and PLATTS changed their vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, on this vote that just occurred, when the clock expired, the yeas were ahead of the nays and the majority of the Members were voted.

According to H. Res. 6, a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Would the Speaker agree with me that this vote then was in violation of the rules?

The SPEAKER pro tempore. As the gentleman is aware, the 15-minute period is a minimum and, in the case of the first vote of the day, and an unexpected vote at that, a longer time may be necessary to complete the vote.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman shall state his point of parliamentary inquiry.

Mr. PRICE of Georgia. Can the Speaker tell me how often the majority party will hold open votes on issues regardless of the result?

The SPEAKER pro tempore. The gentleman has not stated a point of parliamentary inquiry.

Mr. McGOVERN. Mr. Speaker, at this time, I would like to yield 1 minute to the distinguished chairwoman of the Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. Thank you very much. I appreciate your yielding to me.

Mr. Speaker, let me confess off the top, it is true, I committed an act of honesty in the Rules Committee, something we hadn't seen in over 12 years.

I also explained at the time that rules H.R. 5 and H.R. 6 were coming up under the point of privilege with which we started this session.

We are working on an agenda that the minority would not or could not do and we are fulfilling our promise to the American people, and all the whining you can do and all that you can produce will not deter us from it. The majority is pleased and gratified by the minority votes on all of these issues.

I thought I heard a faint chorus yesterday after the bill on student loans was passed, I thought I heard someone singing, Free at last. Free at last.

Obviously, helping the majority to do these bills for the American people has not been any too painful for you. But these have not been addressed for 12 years. We said that we were going to. It was under the beginning rule of the personal privilege. There was nothing amiss there; we were simply being honest.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished Republican whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am here in opposition to this rule. I don't feel as strongly about the bill because I don't really think the bill is a serious piece of legislation. I don't think it addresses the issues that need to be addressed.

I think the fact that this bill has come to the floor without going to committee, without any opportunity for debate, without the freshmen Members having any opportunity to ever be part of anything except one vote today is truly outrageous.

This should be the premier issue for this Congress. Energy independence and all of that affects everything we are, everything we do as a people. It affects foreign policy, it affects our international situation in so many ways, it affects the economy, it affects the environment. And here we are with a bill today that hopefully is just checking off the list and we really get back to serious discussions of energy legislation.

Mr. Speaker, energy independence is critically important, and it is not going to be achieved in this bill in this

way. This bill does take a problem, a problem that was created in 1998 and 1999, a problem that was created when the Secretary of the Interior failed to put in a contract, what the laws that we passed clearly allowed the Secretary of the Interior to do. It didn't happen later, it didn't happen in 2000, it never happened in the current administration. It was a problem. It is a problem in a contract. Whether that is worth 3 hours of debate on the House floor or not, I don't know. I do know that contracts are normally dealt with in a court of law, not on the floor of the House of Representatives.

This is a problem that was created by a past administration that needs to be clarified, but is so far off base from what we ought to be talking about today. We ought to be talking about energy independence for the country.

This rule doesn't allow us to have that kind of debate because the process didn't allow that kind of debate. I guess we are going to be told later today that we are at the end of the 100 hours, which is an interesting calculation in and of itself. And maybe when we will get to the end of the 100 hours, we can get this checklist. I wondered for some time why we didn't have an agenda that would last 100 days.

□ 1130

Since Franklin Roosevelt that has sort of been a mark of the work of the Congress. I have really decided there is not enough work here to do for 100 days, but these 100 hours are checking a list off that will not produce legislation that results in anything happening. At the end of the day today we hopefully can move on to the real business of this Congress, none of it more important than energy independence. This doesn't solve that problem, doesn't even take a significant step in solving that problem.

Mr. MCGOVERN. Mr. Speaker, let me emphasize once again that Chairman RAHALL, in his testimony before the Rules Committee 2 days ago, said that this was the first step, that there are a lot more issues that we need to address as a Congress to achieve our goal of energy independence, and we are going to do that. What we are doing today really is responding to the outcry of the American people who are outraged by the fact that in the midst of being gouged by Big Oil, the previous Congress decided to pass a bill to provide billions of dollars in subsidies and tax breaks to those very companies.

So with that, Mr. Speaker, let me yield 1 minute to the distinguished gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentleman.

Mr. Speaker, I would like to point out that I find it amusing to be lectured about energy independence and working hard to get things done from our colleagues on the other side of the aisle who for the last 6 years could have solved these problems, but instead watched us sink further into depend-

ence on foreign and polluting sources of energy.

In April 2005, President Bush was quoted as saying, "With oil at more than \$50 a barrel, energy companies do not need taxpayer incentives to explore for oil and gas." Then, even as prices went higher, he and the Republican Congress went ahead and gave them a goodie bag of taxpayer subsidies. Gas prices topped \$3 per gallon, Big Oil made record profits of \$97 billion, and record dependence on foreign oil still leaves us vulnerable to the whims of unfriendly regimes.

Today, we are going to take back the tax giveaways to Big Oil so we can give the American people a break at the pump, a breath of fresh air, and a more secure nation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished ranking member of the Rules Committee.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I obviously join my colleagues, rising in strong opposition to this closed rule, which did not allow for any kind of deliberation whatsoever.

I have to begin by saying that I am somewhat troubled at the fact that we continue to see this pattern of name calling from the other side of the aisle.

We recognize that we have begun a new Congress. I am very proud, as a Californian, that we have the first Californian and the first woman Speaker of the House of Representatives. I am very proud of that fact and I think it is a great thing. I am proud that our State has been able to do that. And she is the first Italian American Speaker of the House of Representative, and she always likes to state that, and I congratulate her for that.

I believe we need to, as members of the minority, give the benefit of the doubt to this new majority. It has been 12 years since they have been in the majority, and I think we should provide an opportunity for people to understand their new roles in this institution. But I have to say that while we have continued to have name calling—and the distinguished chair of the Rules Committee has just said that for the last 12 years the Rules Committee was dishonest. I don't know exactly what that means. I am very proud of the record that we have had the last 12 years in the majority in the Rules Committee, and I am proud of the fact that we have been able to put together strong policies to encourage economic growth in this country, we have been able to ensure that we have not had an attack on our soil since September 11. These kinds of policies have come from committees in the Congress, through the Rules Committee to the floor, and I am proud of that fact. So I don't know exactly what it means to simply say the Rules Committee has been dishonest for the last 12 years. We all know that there has been a lot of name

calling that has come from the other side of the aisle.

I have to say, Mr. Speaker, that we are at a point right now where it is important for us to recognize that it is not about what we did, it is about what the new majority promised they were going to do.

Now, the distinguished Republican leader stood here and talked about the fact that we have, over the past several days, gone through this process right now; it has been under a closed rule. Yes, Speaker PELOSI announced there would be no opportunity for debate and discussion through the regular order process. So that was an announcement that was made. As the Republican leader said, the Chair of the Rules Committee announced before the process even began that we were going to have closed rules on both the education bill and on this energy bill. I have to say that it is a troubling indication because it is 180 degrees from what was promised by the new majority when they were in the midst of their campaign.

I have to also say, Mr. Speaker, I heard the gentleman from Massachusetts get up and congratulate our friend from Miami for having supported a couple of the items. I am proud that I have supported a number of these items. I think something important to note is that at least half of the items in the Six for '06 were voted on and passed by the Republican Congress. Stem cell research, in a bipartisan way, passed. It would not have come to the floor had the Republican leadership not seen fit to bring it to the floor.

On the issue of the minimum wage, we brought to the House floor, Mr. Speaker, the issue of increasing the minimum wage. We simply said that we should recognize that those who create jobs might want to have the wherewithal to pay those people the minimum wage. And so we had a vote on that.

Earmark reform. We are very proud of the fact that last fall we passed very broad-sweeping earmark reform that enjoyed bipartisan support here.

So what we are doing in many ways on this Six for '06, Mr. Speaker, is simply voting again on initiatives that passed in a Republican Congress.

I also have to say that we passed lots of energy legislation in the past, and we have been able to see a reduction in oil costs. Oil prices are dropping right now. We continue to see that, and that is because of the fact that we want to encourage alternative sources and attaining domestic energy self-sufficiency.

Mr. Speaker, I think it is just important for us to take a moment to look at this issue of fairness and balance and recognize that we do want to work in a bipartisan way, but the issue of this name calling I think should come to an end, and let's try to look to the future rather than the past.

Mr. Speaker, I rise today in opposition to this rule, and the underlying legislation, H.R.

6, the CLEAN Energy Act of 2007. I am a firm believer that Congress should do everything possible to address the Nation's energy needs and reduce our dependence on foreign oil while still protecting the environment and maintaining reasonable energy prices. I believe, however, that this bill falls short of fulfilling this responsibility. Not only that, the Democrats have shut out any hope of fixing the bill's problems by reporting a closed rule for H.R. 6.

The basis of this bill is very simple—it raises taxes on domestic oil producers and then turns around and spends that money to subsidize ethanol, solar energy, and windmills. In the process, Democrats also want to tell the market how to work. Common sense would tell us that if you increase the cost of domestic oil production by \$10 billion, you are ensuring that U.S. imports of foreign oil will rise and domestic production will fall. These are basic market principles.

Consumers want affordable gas prices, Mr. Speaker, and unfortunately this bill does nothing to lower them. Raising taxes on firms in the oil and gas industries does nothing to lower the price of a barrel of oil. We all know that numerous factors affect gas prices—Hurricanes Katrina and Rita, and OPEC members in the Middle East, for example. These are complex domestic and international market factors that are hard if not impossible to control. The Democrats are apparently oblivious to this reality.

We also understand that this bill would raise \$5 to \$6 billion in revenue by removing the tax breaks provided to the oil companies in the 2005 energy bill. But in fact, the Congressional Research Service has reported that the net impact of the 2005 energy bill was an increase in taxes to the oil and gas industry by some \$300 million. So how will removing this provision help raise revenues? Furthermore, as Members of Congress, we want to enable companies to take every step forward in the exploration of domestic sources of oil and natural gas. It is counterintuitive to take away incentives for companies to participate in this exploration.

The Democrats talk about keeping America competitive, yet this legislation would impact a domestic company's eligibility to remain competitive with foreign manufacturers by repealing a 2004 tax provision that reduced the effective corporate income tax rate to 32 percent from 35 percent. Why would we deliberately put American producers at a disadvantage with their foreign competitors?

Included in this piece of legislation, which, I will remind my colleagues, did not receive any committee consideration in the 110th Congress, are provisions for a trust fund for alternative fuels. The Democrats say this trust fund money, created by funneling the revenue from abolishing crucial tax incentives and the tightening of royalty regulations, will accelerate the use of clean energy resources and alternative fuels and promote the research and development of renewable energy technologies. This trust fund is an idea that's been heralded by Members on both sides of the aisle. And the objectives that I just mentioned are surely noble ones. However, this bill creates a trust fund and then ends there. There is no mention in the bill as to how this new revenue is to be spent, just suggestions. In this respect, this is a bill with good intentions but no teeth.

Mr. Speaker, we are not arguing that more time and money deserves to be spent on the

development of alternative energy. It should. In fact, studies have shown that between 2004 and 2006, investment in alternative energy doubled to \$63 billion. And the market is responding. Venture capital funding of green-energy technologies has quadrupled since 1998. Members of Congress have submitted numerous amendments to H.R. 6 mirroring these efforts. The Rules Committee received almost 20 amendments with thoughtful suggestions as to how to direct trust fund money, and other productive approaches to solving our energy needs. Not one amendment, Mr. Speaker, was made in order. In fact, even before the Rules Committee had heard testimony from any of the amendment sponsors, Chairwoman SLAUGHTER announced that she would be granting a closed rule. The Democrats had already made up their minds and closed their ears before they even heard the first amendment.

Mr. Speaker, H.R. 6 was referred to four committees. In another instance in denying the due process and minority rights that Democrats promised the American people, those committees never once met on the bill at hand. Members on both sides of the aisle never had the chance to draft, review or amend the bill. The Democrats campaigned on honesty and openness, and heralded a new era in minority rights, but again have failed to live up to their promises. Again, they completely ignored regular order and pushed this bill to the front of the line, and the deficiencies in the bill are evident because of it.

Mr. Speaker, once again, my colleagues on the other side of the aisle have missed yet another opportunity today to craft comprehensive legislation that would address issues that are important to the energy debate. During the 109th Congress, we worked with Members on both sides of the aisle on legislation that increased refinery capacity. This legislation received strong bipartisan support, and yet is noticeably absent from this legislation we have before us today.

This bill is just like Proposition 87—the 2006 ballot initiative that would have taxed California's home-produced oil in order to subsidize "green technology" alternatives. Thankfully those in my home state were smart enough to defeat Proposition 87, knowing full well it would have damaged California's home oil and gas industry, increased foreign oil consumption, and raised the energy bills of the state's residents.

Mr. Speaker, this bill raises taxes and raises prices at the pump. And all the American people are getting in return is a promise that we'll actually do something down the road. The new majority is well on its way to fulfilling another empty promise and at the expense of the American consumer. Let's vote down this rule, and force the majority to take this bill through committee where we can have a real energy bill with real solutions.

Mr. MCGOVERN. Mr. Speaker, the distinguished former chairman of the Rules Committee and the distinguished minority whip have made it clear that they are not impressed with the first 100 hours of this Congress, but the American people are and, quite frankly, that is what counts.

Mr. Speaker, at this point I would like to yield 1½ minutes to the gentleman from Vermont (Mr. WELCH), who is a member of the Rules Committee.

Mr. WELCH of Vermont. Mr. Speaker, the issue for us in this Congress is procedure, but it is really about substance. In the last Congress, what happened was something that you can't make up. Oil companies have enjoyed \$125 billion in profits over 3 years, were the beneficiaries of legislation that lowered taxes for them by about \$14 billion. You can't make it up.

What this legislation is about is addressing that and for the first time taking a step in the direction of providing incentives for what every American knows is long overdue, and that is to provide incentives for alternative energy opportunities. We need that to strengthen our economy and create good jobs; we need that to strengthen our position in foreign policy so that we are independent; and we also need it to begin addressing global warming.

This legislation is the beginning, it is only a beginning. There is going to be an enormous amount of time for the committees to take up the large issues and for us together to take the broader steps that are required to become truly independent on energy.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I had the opportunity to go to the Rules Committee the other evening. Of course it was after the distinguished Rules Committee chairwoman said that they weren't going to accept any of our amendments or a substitute. I made a comment at that point that I was essentially wasting my time in the committee, which is unfortunate.

Today we have an opportunity to debate in front of the American people what should be an important policy about energy independence, but this bill doesn't do anything like that, Mr. Speaker. All this bill does is get back at the oil companies. We had many members of the Rules Committee say essentially that it was vengeance. They didn't use the word "vengeance," but essentially I believe that that was the point that they were making because they are putting up a facade that this bill actually does something to lower energy prices to the American people. In fact, all this does is roll back some tax cuts, specifically takes out oil and gas for domestic producers, does nothing to the Middle East producers, and now we are basically going to be left with a bill that isn't going to go anywhere. The majority knows it is not going to go anywhere, and that doesn't even include the process that we have gone through to get this legislation.

Earlier one of the speakers—I forget who said it—for the majority side said that the Republicans crafted their energy bills in the backrooms. Well, I would ask the majority if the backrooms included the subcommittees and the full committees, like the normal process that this Congress is supposed to go through where we have full committee debate, we have a bill introduced, we have debate on the bills.

Maybe that was the backrooms that you guys were referring to on the other side.

In this case, you essentially had a few staff people in the Speaker's office write up a bill. Then they put out a facade that this is going to lower the gas prices to Americans and lower energy costs and be the bridge to the next renewable energy trust fund that they are going to create.

It is interesting in the last Congress we had a bipartisan bill that did put money into a trust fund, but you know what we did? We went out and I said, let's take our resources that we have, like in Alaska, let's go and drill in ANWR. Let's put those royalties into a trust fund, and then we can bridge ourselves into the next generation of energy. That is good energy policy. Taxing small domestic oil producers in America is only hurting American-made energy.

I am frustrated not only by the policy that has been put out here as an end-all-be-all perfect solution to America's energy solutions, which it is not, but I am even more frustrated—and I normally don't come down here to speak on rules, but I had to come down here and speak on this rule because I was in the Rules Committee the other night and I wasted my time, and everyone in that committee wasted their time because the Rules Committee chairwoman said, before we even met, that she was not going to accept any amendments or even a substitute.

This is frustrating. I hope that the majority will live up to their promise to the American people and will have full open and honest debate.

Mr. MCGOVERN. Mr. Speaker, let me just respond to the gentleman from California by saying to him that I appreciated him being in the Rules Committee. I thought his testimony was very thoughtful, and I look forward to his engagement in a lot of these issues as, again, the chairman of the Resources Committee said, this is the beginning, not the end.

I just want to point out one thing to him so he understands one thing, and that is, in the last year, when the Republicans were in control of the Congress, there were 34 rules provided to bills that were not reported out of committee. I point that out not to make a partisan point, but simply to kind of illuminate him on the fact that there were a lot of bills that no one ever saw before they came before the Rules Committee.

With that, Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida, a member of the Rules Committee, Ms. CASTOR.

Ms. CASTOR. I thank the gentleman.

Mr. Speaker, instead of giving away billions of dollars to big oil companies which made multibillion-dollar profits last year, the new Congress intends to chart a course in a new direction by investing in alternatives for the American people. This will help America become energy independent and ultimately

lower the utility cost for average Americans.

Big Oil has held too much sway in the halls of Congress in past years. They even targeted drilling off of Florida's beautiful coastline, putting our tourism industry at risk. The Bush administration refused to get serious about a sensible and sustainable energy policy, even after President Bush proclaimed last year that our country is addicted to foreign oil.

The American people understand that what we really need is a far-sighted plan for energy independence, and they did vote for change. The new Democratic Congress will plan for a more sustainable future, independent of foreign oil entanglements that interfere with our foreign policy. The new Democratic Congress will encourage conservation and development of alternative fuels which in turn will lessen our dependence on polluting fossil fuels.

In my own district, the University of South Florida has developed initiatives at its Clean Energy Research Center to develop and promote new sources of alternative energy, and we can do more.

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So let's take the first step together today and then commit to launching a broad new energy strategy for future generations.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding and, Mr. Speaker, I rise in opposition to this rule.

In 2005, Congress passed and the President signed into law the Energy Policy Act, or EPACT, the first comprehensive energy package enacted with bipartisan support in well over a decade. I supported it for one reason, because it made a much needed and sustained investment in the basic science and applied energy research that will end our reliance on foreign oil.

Congress and the Federal Government must make a steadfast commitment to support the development of advanced energy technologies and alternative fuels that will help end our addiction to oil and gasoline. That is why in the 109th Congress I introduced H.R. 6203, the Alternative Energy Research and Development Act. This bill reflected the latest research, the emergence of innovative technologies, and new ways of thinking about our power problems. Among other things, it supported the development of biofuels, solar and wind power, and battery technologies. It also promoted energy conservation in a number of important ways.

This bill received bipartisan support from the Science Committee. It was approved unanimously by this body in September of last year, but the other body, on the other side of the rotunda, failed to act on it before Congress ad-

journed. So why aren't these widely supported provisions included in the bill we are considering today? Good question.

I tried to offer an amendment to include provisions from H.R. 6203 in this bill. I went to the Rules Committee to explain my amendment and how it might contribute to our energy independence. But before I could speak, a decision had already been made by the Democratic leadership not to allow any amendments to this bill, not even those whose provisions had been passed unanimously just 4 months ago.

So how does this bill contribute to our energy independence, Mr. Speaker? I supported fixing the Clinton administration oil and gas leasing errors, but I believe we are missing the opportunity to take the next step. We should know where the money will go. Instead of creating a slush fund, as this bill does, for some unknown use in the indefinite future, we should take the steps today to invest in the kind of research, development, and demonstration projects outlined in H.R. 6203 that will ultimately lead to advanced energy technologies. We need to start today.

If we are serious about energy independence, we should put that money to work today as an incentive for consumers to become more energy efficient and use alternative fuels. This could be accomplished by extending and expanding the tax credits created in EPACT for the purchase of vehicles that run on alternative fuels. Let us lift the cap on the number of vehicles that can qualify for these credits. Let us expand incentives for the installation of alternative refueling infrastructure.

I introduced another bill in the last Congress that would do just that by using the revenue generated from repealing certain tax credits for oil and gas production. These are the kind of concrete initiatives that will bring us measurably closer to achieving true energy independence. These are the kind of worthy initiatives we should consider.

I will have to support this bill, I guess, but I think it could be better, so much better, and that is why I urge my colleagues to oppose the rule.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 1½ minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I thank my good friend, the gentleman from Massachusetts, for yielding me time.

Mr. Speaker, I rise in support of the rule and in strong support of the underlying bill, H.R. 6, the CLEAN Energy Act of 2007.

Mr. Speaker, my State, New Hampshire, is a State known for its pragmatism. The energy crisis that this country faces is no mystery to my constituents. They see our independence on foreign energy sources, they see our climate changing, and they see the tax breaks for Big Oil while their own resources are stretched thin. They have

seen roller-coaster high prices at the pumps, giveaways to Big Oil, and those same Big Oil companies reporting record profits.

This should not be a Democratic or Republican issue because it is a common sense issue. And the bill we will consider today is a commonsense and much needed start to solving the problem. H.R. 6 would repeal the billions of dollars in subsidies given to Big Oil in the ill-conceived 2005 energy bill and reinvest those funds in clean renewable energy and energy efficiency.

The bill would require oil companies to pay their fair share in royalties, and would close glaring loopholes in the Tax Code. More importantly, Mr. Speaker, this bill would create a Strategic Renewable Energy Reserve to unleash the entrepreneurial spirit in this country, to jump-start our investment in renewable and alternative energy resources, and to promote conservation and the development of critical new technology.

Energy independence is an issue of national security, it is an issue of jobs, and it is an environmental imperative. No issue is more important to our future or our children's future. Mr. Speaker, I am exceedingly proud of this new majority's 100-hour agenda, but I am perhaps most proud and most ardently supportive of H.R. 6.

It is time to invest in a new energy policy, and I encourage my colleagues to support this rule and support H.R. 6.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my distinguished friend from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman for yielding, and salute my colleagues for working at a concept really that we all agree on: Energy independence. I refer only to the second title in these comments, where I oppose the rule which says there will be no amendments.

Title II is the one where the Washington Post says "This House bill would break its deadlock by imposing heavy penalties on firms that do not renegotiate on terms imposed by the government." They go on to say, "This heavy handed attack on the stability of contracts would be welcomed in Russia and Bolivia."

Let's look at just a couple of things that have occurred recently. In 2005, Venezuelan President Hugo Chavez mandated private oil firms to cooperate with new contractual changes, much as we are doing in section 2. The investment from foreign firms, which is vital for Chavez's economic plan to succeed, are already being curtailed due to the uncertain investment environment.

In 2006, Bolivia threatened to expel oil companies that refused to agree to new terms on existing contracts. These actions were done for short-term increases in revenue, yet they are leading to massive economic problems in the country through the oil and gas industry.

Also, in Russia, 2006, companies such as Shell, Exxon, and BP have held valid oil and gas leases for years, yet Putin has declared that the agencies are going to pull these leases for a number of suspect reasons. In section 2, title II, we have those same sorts of heavy handed approaches that the Washington Post editorial complains about.

Our colleagues have said that President Bush refused to get serious. If getting serious is undermining the full faith and credit of this government, then I will agree that President Bush failed to get serious.

I had also heard a comment from one of my distinguished colleagues on the other side that this agenda includes things that the minority would not do, and I will agree the minority would not do those things which undermine the contractual basis of this government.

I think this bill should be back in committee to have the hearing and the amendments that would occur, because you know that these things are not valid and will not promote more production from U.S. companies but less.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman from the Rules Committee for yielding.

I rise in support of this rule. I am a member of the Energy and Commerce Committee, and I watched 2 years ago as my Republican colleagues larded up the Energy Policy Act. While we were trying to talk about energy efficiency and we were trying to talk about energy conservation, they were giving over \$8 billion in tax breaks to the oil and gas companies, the companies that are making huge profits right now.

What this bill does is roll back that tax break as well as require the oil and gas companies to pay appropriate royalties to the government, appropriate royalties to the taxpayer.

This bill is looking forward. I am afraid my colleagues on the other side of the aisle are looking backwards. They are still talking about oil and gas. We on the Democrat side, however, get it. We understand that, yes, we are using oil and gas today, but we are also running out of oil and gas in the world and in this country and that we must have alternative energy sources.

So what do we do? We say, let's take this unnecessary tax break of \$8 billion and let's collect our royalties and let's put that money in a trust fund to develop alternative energy, renewable energy that can last us well into the latter part of this century.

Now, personally, I am very enthusiastic about hydrogen fuel cell development because hydrogen fuel cell development definitely leads us down the road to energy independence. Hydrogen fuel cells don't have any emissions; they don't leave any emissions. Hydrogen fuel cells aren't dependent on foreign countries. It is a technology we can develop here in this country that

will really make us energy independent and will also address the problem of global warming. But we must invest in it.

So let's not look backwards and give oil and gas companies more tax breaks. Let's look forward and invest in renewable energy, in hydrogen, in wind and solar, and the things we have in this country that can make us truly independent. I urge adoption of this bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my good friend from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for yielding, and I appreciate the chairwoman's honesty earlier about the fact this was going to be a closed rule. We listened for 2 years about the whining on closed rules and the fact that it reflected a closed mind. So on our side, for the next 2 years, we will try to keep our whining to a minimum.

Words are inflammatory. Title I to this act says "Ending Subsidies for Big Oil Act of 2007." I have a title I would like to put on title II of section 1, and that would be the "Congressional Abrogation of Contracts Using Blackmail Act of 2007." We can throw these wild words around at each other all we want to.

I speak against the rule and the process. This is staff-developed underlying legislation. Not one Member of Congress had any input into it at a point in time where you could actually do something about it. There are flaws throughout it.

I offered an amendment yesterday, which turned out to be for no good reason, that would simply say if you are in fact going to hamper domestic production of crude oil, and clearly in the near term increased domestic production is a way to get us to the point where we are no longer as dependent on foreign oil, if this act works to hamper that, then it wouldn't take effect. In other words, get the Secretary of Energy and the Secretary of the Interior to tell us this won't have a negative effect on oil production.

The other amendment I offered would simply say if you are taking those profits, whether you consider them obscene or not, if you are taking those profits and putting them back in the ground to find additional sources of domestic crude oil and natural gas, then this act wouldn't apply. Evidence shows the small oil companies, to which the tax provisions affect, not just Big Oil but it affects the small companies, those small E&P companies reinvest 617 percent of their profits back in the ground finding additional supplies.

The bill is flawed in its mechanics, and I will speak later this afternoon against the underlying concepts, but one of the flaws is, if I am an owner of one of those covered leases and I sell it to somebody else and am no longer in the loop, I am still covered and tainted with that until everybody else in that loop subjugates themselves to this

American government and renegotiates those contracts.

The price threshold mechanism is flawed. At 34.73 a barrel there is no threshold, yet at 34.75, I have a \$9 pop, which means I am only really making \$25 a barrel. These are the kind of things that, had it gone through committee, or I guess it did. Oh, it did not go through committee, that is right. This came straight to the floor without any input from anywhere else. Whether you agree with our positions or not, your closed mind on this issue is clearly evident in this.

My only caution is, and we have heard we are coming to the end of this railroad train, that the other side has now become so intoxicated with the power and authority that they have being in the majority, that they do not continue to misuse that power and authority and continue to ignore open debate and honest ideas and an exchange of honest ideas that the committee process typically allows and that brings better legislation to this floor and helps us address these things.

The consequence of the taint may be intended. I don't think it is, but we ought to know that. And there is no real way to know that without debate within the committee structure where there is adequate time to go at this.

So I urge my colleagues to vote against this closed-minded rule, a little bit of whining just to keep up appearances, to vote against this rule, and I will speak against the underlying bill later this afternoon.

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Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill today is a historic bill. What it is going to do is to reclaim billions of dollars, the GAO says upwards of \$10 billion, which will then be moved over from unnecessary tax breaks and royalty relief for oil and gas companies, and moved over to a Strategic Renewable and Energy Efficiency Reserve so that we can change the direction of energy in our country by just taking back that which is undeserved in tax breaks and royalty relief.

So, what's the issue? Well, the issue is that back in 1998 and 1999 the oil industry received royalty breaks that didn't require them to pay any royalties back to the American people, the American taxpayer, as they drilled on the public lands of our country.

What this bill does is it gives a choice to the oil and gas industry: either renegotiate those leases or pay a fee going forward for the drilling on those lands. And that money will then go into a trust fund for renewables, for energy conservation, for ethanol, so that we can move in a new energy direction for the 21st century. It is a quite simple formula.

Now, the royalty relief, the change in how royalties are collected, it has al-

ready passed here on the House floor. But it was then blocked by the Bush administration. The \$9 fee was the Pombo amendment. That has already passed on the House floor. So we are not talking about things that haven't already been debated. We are not talking about things that have already passed. What we are talking about are things that the Bush administration then blocked from becoming law. And what the Democrats are adding is just that it be put into a renewable and a conservation and ethanol trust fund so that we can move this country into a new energy direction.

I hope that this rule passes, and then I hope that we have an overwhelming vote, as we have had twice before in the past, by the way, on this royalty issue by all Members of the House, so that we can finally move in a new direction for the 21st century in energy policy.

Mr. Speaker, the bill that we will consider later today represents the important first step in charting a new direction for the Nation's energy policy. H.R. 6, the CLEAN Energy Act of 2007, which repeals the unnecessary and wasteful tax breaks and royalty-free drilling rights for big oil and gas companies, and instead creates a Strategic Energy Efficiency and Renewables Reserve that would invest in clean, renewable energy sources and clean alternative fuels like ethanol, as well as energy efficiency and conservation.

H.R. 6 will put an end to oil companies drilling for free on public land no matter how high oil prices climb. The Government Accountability Office has estimated that the American taxpayers stand to lose at least \$10 billion from leases issued in the late '90s that do not suspend so-called royalty relief. H.R. 6 would correct this problem by barring companies from purchasing new leases unless they had either renegotiated their existing faulty leases or agreed to pay a fee on the production of oil and gas from those leases.

The House has already adopted the royalty relief fixes included in H.R. 6 by overwhelming, bipartisan votes. By a vote of 252-165, the House adopted the Markey-Hinchey amendment to the Interior appropriations bill to provide a strong incentive for these companies to renegotiate. The House also voted last year to impose a \$9 per barrel fee on oil produced from these leases in a bill authored by former Resources Chairman Pombo. Both those provisions are in H.R. 6. So two times this House has said that we want to put real pressure to renegotiate on all the oil and gas companies holding those 1998-1999 leases.

However, the Bush administration has consistently opposed our efforts to bring every oil company holding one of these leases back to the negotiating table and it continues to oppose the provisions in H.R. 6 that would do so. Instead, the Bush administration has argued that we should allow oil companies to "voluntarily" renegotiate with the Minerals Management Service. However, of the 56 companies holding these leases, only 5 have voluntarily agreed to renegotiate. When billions of taxpayer dollars are at stake, that is simply not an acceptable rate of return. This bill says that it's time for the oil companies to stop playing Uncle Sam for Uncle Sucker.

Passage of H.R. 6 will allow us to begin to move in a new, clean direction on energy and

put an end to the free ride that big oil has had under the Bush administration. H.R. 6 represents the beginning of a change in direction, away from subsidizing industries that don't need extra financial incentives, and towards the technologies that do need a helping hand and I urge its adoption.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. For 12 years, Mr. Speaker, I have engaged in an energy brain trust that would hopefully engage the industry but help to reform the industry. And so I say to my colleagues, today we are making that first step, not ignoring the industry, but opening our doors to engagement and discussion so that we can truly have a reformed energy industry that focuses on energy independence and security for the American people.

Now, we realize in 1998 and 1999 the price per barrel for oil was very low. And the administration, at that time, reasonably addressed the question of royalty relief. Today we have a different economic structure, and the price per barrel is \$50-plus and up.

And so what is this Congress and this leadership doing? It is doing the right thing. It is making a determination that we can now place some \$14 billion in trust to support clean alternative energy and, of course, renewables, renewables and alternative energy that have been proposed by Members on both sides of the aisle.

I look forward to an engagement of the energy industry so that it can diversify its own portfolio. It is necessary for our independence from foreign oil, and it is necessary for our homeland security.

But what we do not do in this bill is important. For example, we do not repeal refinery expansion expensing. We don't repeal the intangible drilling cost deduction, nor do we impose a windfall profits tax.

We are balanced. We are respectful of this process of engagement, and we don't repeal the natural gas line depreciation or the foreign tax credit.

And so we understand that the industry, one, has to work to ensure that it is productive and that it moves away from total dependence on foreign oil to give relief to the American people as they proceed to develop greater energy independence and conservation.

This is a good bill that focuses, in a balanced way, to begin the march toward energy reformation and opens the door towards new ideas for the energy industry that will allow energy independence and security for America.

Mr. Speaker, I rise today in support of H.R. 6, which will create long-term energy alternatives for the Nation. The Creating Long-Term Energy Alternatives for the Nation, CLEAN, Act of 2007, includes two components that will roll back the unnecessary tax

benefits and costly federal oil and gas leasing provisions included in the Energy Policy Act of 2005. The legislation would also help to correct the mistakes of the leases issued by the Interior Department between 1998 and 1999—which, if left unchanged, could cost the Federal Treasury an estimated \$60 billion over the next 25 years.

The CLEAN Act calls for investing in clean, renewable energy by repealing \$14 billion in subsidies given to Big Oil companies by requiring these companies which were awarded 1998 and 1999 leases for drilling without price thresholds to pay royalties or pay a fee. H.R. 6 also eliminates unnecessary tax deductions which exist in the tax code and in the Energy Policy Act of 2005. In the first ten years, the Congressional Budget Office estimates that these fees will generate \$6 billion in revenue and the Joint Commission on Taxation estimates that the elimination of these deductions will result in \$7.6 billion in revenue.

The CLEAN Act also creates a Strategic Renewable Energy Reserve which would promote energy efficiency by investing in clean, renewable energy and alternative fuels, promote new energy technologies, develop greater efficiency, and improve energy conservation. We cannot justifiably continue to allow big oil companies to reap astronomical financial benefits while the citizens of this country continue to struggle to pay their living expenses due to the outrageous cost of oil and gas.

These high costs derive primarily from our overwhelming dependence on foreign oil. The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. Moreover, the world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf.

Mr. Speaker, we cannot even remotely begin to reduce the high price of oil and gas which has caused many of our citizens to change their standards of living, unless and until we find ways to create a more self-sufficient energy environment within the United States. Investing in clean, renewable energy is an important first step to achieving this goal. For example, an innovative solution to our national energy crisis is in the 21st Century Energy Independence Act, which I introduced in the 110th Congress. This legislation alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology. Investing in domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the \$180 billion that oil contributes to our annual trade deficit, but it can also end our addiction to foreign oil.

According to the Department of Agriculture, biomass can displace 30 percent of our Nation's petroleum consumption. In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce U.S. carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions. Cellulosic ethanol technology requires initial governmental investment and policy support to achieve the necessary scale to become self-sufficient and gain market-penetrating ca-

capacity. That is why I introduced the 21st Century Energy Independence Act since it ensures that America achieves energy independence and improves our environment.

In addition to being from the energy capital of the world, for the past twelve years I have been the Co-Chair of the Energy Taskforce of the Congressional Black Caucus. During this time, I have hosted a variety of energy braintrusts, panels, conferences, and symposia designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. Bringing together thoughtful yet disparate voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a Nation achieve energy security and energy independence.

The CLEAN Act strikes energy bill provisions suspending royalty fees from oil and gas companies operating in certain deep waters of Gulf of Mexico. The bill also repeals royalty relief for deep gas wells leased in shallow waters of the western and central areas of the Gulf. It includes a provision from the President's FY 2007 budget restoring drilling permit application cost recovery fees; fees which the 2005 Energy bill prohibited. The measure also strikes royalty relief for specific offshore drilling in Alaska, and special treatment for leases in the National Petroleum Reserve—Alaska (NPR-A).

H.R. 6 requires companies, which unfortunately have been able to escape paying royalties as a result of the 1998 and 1999 leases, to pay their fair share in order to be eligible for new federal leases for drilling. Specifically, the measure requires current offshore fuel producers who are not paying federal royalties to either: (1) Agree to pay royalties when fuel prices reach certain thresholds, \$34.73 per barrel for oil and \$4.34 per million Btu for natural gas, or (2) to pay new fees established in the bill—in order to be eligible for new federal leases for drilling. Under the bill, a new conservation of resource fee would be based on the amount of oil produced and will apply to new and existing leases and shall be set at \$9 per barrel for oil and \$1.25 per million Btu for gas.

The changes regarding royalties offered under H.R. 6 are not entirely new. Similar royalty relief provisions have been debated and passed by the House as part of the OCS drilling bill, H.R. 4761, and in the Interior Appropriation bill with bipartisan support of 67 Republicans.

Mr. Speaker, H.R. 6 would also close gaping loopholes and end gigantic giveaways for Big Oil in the tax code and in the 2005 Energy bill. The bill would eliminate a loophole written into the international tax bill, H.R. 4520, which allowed oil companies to qualify for a tax provision intended to encourage domestic manufacturing. According to the New York Times, this loophole provided ConocoPhillips \$106 million in 2005, even though its profits totaled \$13.5 billion.

The benefits which ConocoPhillips reaped from the tax loophole, represents just a snapshot of the lopsided picture that overwhelmingly favors the financial well-being of big oil companies over average American families.

While big oil companies continue to rake in millions and millions of dollars, American families see their budgets shrinking because of high costs of oil and gas. It is our responsibility to refocus our legislative lenses on solving this Nation's energy dependence problem so that we may rescue American families from the recent oil and gas price hikes.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country. We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy. Furthermore, I think it is imperative that we involve small, minority and women owned, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

H.R. 6 is a vehicle by which we can drive this country in the direction of energy independence. Under this bill, we can invest in clean, renewable energy resources through the creation of the Strategic Renewable Energy Reserve which would: Accelerate the use of clean domestic renewable energy resources and alternative fuels; promote the utilization of energy-efficient products, practices and conservation; and increase research, development, and deployment of clean renewable energy and energy efficiency technologies.

It is critical that some of the additional funding created by this bill is invested in small, minority and women owned business and minority serving institutions. By investing in minority owned business and minority serving institutions, we are ensuring that sectors of our Nation and economy which are often overlooked are given an opportunity to compete against much larger businesses and institutions of higher learning.

Madam Speaker, the changes we propose to the CLEAN Act will allow us to move this country in the right direction—the direction of becoming less dependent on foreign oil and in turn, more reliant on renewable energy. Because of these changes, we anticipate a win-win situation. These changes should stimulate the expansion of research into renewable energy because such changes positively impact oil companies that choose to reinvest in new and emerging technology. Thus, H.R. 6 offers great incentives for oil companies to contribute greatly to our efforts to create an energy-independent America.

Moreover, the provisions that oil companies care about the most are preserved under the CLEAN Act. In part due to the concerted effort of the Houston/Harris County delegation, this bill WILL NOT include the following provisions: (1) Repeal of last-in-first-out (LIFO) accounting; (2) Refinery expansion expensing repeal; (3) Imposition of a windfall profits tax; (4) Repeal of intangible drilling costs deduction; (5)

Repeal of natural gas distribution lines depreciation; and (6) Foreign tax credit repeal.

For all of the foregoing reasons, I urge my colleagues to support H.R. 6 to create long-term energy alternatives and to create a more energy-independent and secure America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we continue to reserve the balance of our time.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, as we debate this rule and debate how we are going to debate this rule, an F-16 is burning 25 gallons of fuel every minute. A Stryker combat vehicle on which our troops travel is traveling at the rate of about 7 miles per gallon. I was on a C-17 recently. It is burning 3,000 gallons an hour.

Energy is a national security issue. It is a vital national security issue. And we can't afford to continue to debate the debate to adjourn this House. The decision before to ask this House to adjourn, I think, is emblematic of failed energy policies. There is no more debating or delaying. It is time to act.

Last year the Department of Defense spent \$10.6 billion on basic energy costs. Of that, the Air Force spent \$4.7 billion on one thing, buying fuel for its planes.

Now, I believe in a robust defense. We have got some significant challenges in the world. China is a significant challenge. Iran is a significant challenge. But the policies on energy that we have had for the past 6 years have put us in the position where we are borrowing money from China to fund our defense budgets, to fuel our military, which requires buying oil from the Persian Gulf to protect us from China and the Persian Gulf. How does that make sense? It makes no sense.

I was in China just several weeks ago. They are going to reduce their energy consumption by 20 percent and keep growing, and increase their use of renewables, while we continue to rely on our adversaries to power our military to protect us from our adversaries.

This dependence on foreign oil, Mr. Speaker, is as glaring a threat to our national security as Sputnik was, as the Cold War was, as the space race was. And our answer to those threats was, we will research and develop and manufacture and engineer and land men on the Moon by the end of the decade. We confronted those threats and beat those threats.

It is time to quit debating and quit delaying and quit stalling. It is time to put the protection of our troops ahead of the profits of the big oil companies. It is time to understand that this is a critical national security issue that has been tried and debated and delayed for 30 years. It is time to act now.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, one of the reasons why we are so concerned about and opposed to this process of having closed out all of the Members from

bringing forth their ideas to improve this legislation is because we seriously believe that this legislation, as drafted, if it were to become law, would increase our dependence on foreign oil. That is why we are so adamant in our opposition to the unfairness of the process, because of the product that this process has brought forward.

Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this closed rule and allow the House to consider H.R. 6 under a fair and open process. If the previous question is defeated, I will offer an amendment to consider H.R. 6 under an open rule. This is the least we can do for the Members of this Congress who have had absolutely no input into this far-reaching piece of legislation, or any other piece of legislation that has been brought to the House floor so far. By considering this bill under an open rule, Members will be finally afforded an opportunity, for the first time in the 110th Congress, to offer meaningful amendments to this bill. For the new majority it is a novel concept, I know. In fact, it is the very concept, though, on which they campaigned. This vote on the previous question represents their last opportunity to live up to their promise to join together in these first 100 hours to make this Congress, in their words, the most honest and open Congress in history; and yet they have closed the process completely down and allowed no amendments by no Member from either side of the aisle.

According to the official 100-hour clock, and I see the clock there, Mr. Speaker, we are only about 35 hours into the first 100 hours. That means we have approximately 65 hours left. If this is, as we are informed, the last item of the Six in '06, 100 hours in '06, agenda, it seems to me that we have plenty of time to consider this bill under an open and fair rule, rather than closing out all the Members and rushing it to the floor as they have.

By defeating the previous question, we will give the Democrats the opportunity to live up to their campaign promises of a more open and transparent legislative process. Let's allow all Members, Mr. Speaker, the opportunity to create a real energy bill with real answers to diminish, not increase, our dependence on foreign oil.

I ask unanimous consent, Mr. Speaker, to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me, first, begin by reiterating something that has been said many times here.

One of the great features of H.R. 6 is that it would create a Strategic Energy

Efficiency and Renewables Reserve. It could be used to reduce our dependence on foreign oil. Everybody talks about wanting to become energy independent, but they don't want to do anything about it; and this would actually create a reserve to do that, to accelerate the use of clean domestic renewable energy resources and alternative fuels, to promote the utilization of energy-efficient products and practices and conservation, and to increase research development and deployment of clean renewable energy and energy-efficient technologies.

Again, this is the beginning of our dealing with this issue. There is a lot more to do. And I look forward to more debates and hearings and more ideas from Members from both sides of the aisle to figure out how we can achieve our goal of energy independence.

Mr. Speaker, I want to thank my colleagues on both sides of the aisle for participating in the debate today. Over the past 100 hours, this House has made tremendous progress in addressing the needs of the American people. We have strengthened the ethical rules of this House. We have made the homeland safer by adopting the recommendations of the 9/11 Commission. We have given low-wage workers a much needed raise. We have embraced the promise of stem cell research. We have made student loans and prescription drugs more affordable.

And with the passage of this rule and the CLEAN Energy Act of 2007, we will take our energy policy in a new direction, toward cleaner, renewable energy and away from tax giveaways to huge oil and gas companies.

If you want the same old same old, vote against this rule and vote against the underlying bill. If you want a new direction, then support the rule and support the underlying bill.

Mr. Speaker, let me close with a word about process. I understand the concerns expressed by my friends on the other side of the aisle. I served in the minority party during the last Congress, and I suspect my friends are worried that they will be treated as poorly and disrespectfully as we were.

I was here when the Republican majority passed exactly one open rule on a non appropriations bill. I was here when votes were held open for 3 hours to change people's votes. I was here when special interests provisions were tucked into conference reports after they were signed.

This House is broken, Mr. Speaker, and the Democratic majority was elected to fix it, and that is what we are going to do.

All I can tell my friends on the other side of the aisle is what I believe. I believe that every Member of this House deserves to be respected. I believe that one party does not hold a monopoly on good ideas; and I believe that openness should be the rule, and not the exception. And all I can offer my friends is my word that I will work as hard as I possibly can to make sure that this

House runs in a more open, democratic fashion than was the norm over the past 12 years. We will not be perfect, because human endeavors never are. But we will be better.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 66 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike all after the resolved clause and insert the following:

“That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed three hours, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII.

Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.”.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the min-

imum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 231, nays 194, not voting 10, as follows:

[Roll No. 35]

YEAS—231

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Hall (NY)	Oberstar
Allen	Hare	Obey
Altmire	Harman	Olver
Andrews	Hastings (FL)	Ortiz
Arcuri	Herseth	Pallone
Baca	Higgins	Pascarell
Baird	Hill	Pastor
Baldwin	Hinchee	Payne
Barrow	Hinojosa	Pelosi
Bean	Hirono	Perlmuter
Becerra	Hodes	Peterson (MN)
Berkley	Holden	Pomeroy
Berman	Holt	Price (NC)
Berry	Honda	Rahall
Bishop (GA)	Hooley	Rangel
Bishop (NY)	Hoyer	Reyes
Blumenauer	Inslee	Rodriguez
Boren	Israel	Ross
Boswell	Jackson (IL)	Rothman
Boucher	Jackson-Lee	Roybal-Allard
Boyd (FL)	(TX)	Ruppersberger
Boyd (KS)	Jefferson	Rush
Brady (PA)	Johnson (GA)	Ryan (OH)
Braley (IA)	Johnson, E. B.	Salazar
Brown, Corrine	Jones (OH)	Sanchez, Linda
Butterfield	Kagen	T.
Capps	Kanjorski	Sanchez, Loretta
Capuano	Kaptur	Sarbanes
Cardoza	Kennedy	Schakowsky
Carnahan	Kildee	Schiff
Carney	Kilpatrick	Schwartz
Carson	Kind	Scott (GA)
Castor	Klein (FL)	Scott (VA)
Chandler	Kucinich	Serrano
Clarke	Lampson	Sestak
Clay	Langevin	Shea-Porter
Cleaver	Lantos	Sherman
Clyburn	Larsen (WA)	Shuler
Cohen	Larson (CT)	Sires
Conyers	Lee	Skelton
Cooper	Lewis (GA)	Slaughter
Costa	Lipinski	Smith (WA)
Costello	Loebbeck	Snyder
Courtney	Lofgren, Zoe	Solis
Cramer	Lowe	Space
Crowley	Lynch	Spratt
Cuellar	Mahoney (FL)	Stark
Cummings	Maloney (NY)	Stupak
Davis (AL)	Markey	Sutton
Davis (CA)	Marshall	Tanner
Davis (IL)	Matheson	Tauscher
Davis, Lincoln	Matsui	Taylor
DeFazio	McCarthy (NY)	Thompson (CA)
DeGette	McCollum (MN)	Thompson (MS)
Delahunt	McDermott	Tierney
DeLauro	McGovern	Towns
Dicks	McIntyre	Udall (CO)
Dingell	McNerney	Udall (NM)
Doggett	McNulty	Van Hollen
Donnelly	Meehan	Velázquez
Doyle	Meek (FL)	Visclosky
Ellison	Meeks (NY)	Walz (MN)
Ellsworth	Melancon	Wasserman
Emanuel	Michaud	Schultz
Engel	Millender-McDonald	Waters
Eshoo	Miller (NC)	Watson
Etheridge	Miller, George	Watt
Farr	Mitchell	Waxman
Fattah	Mollohan	Weiner
Filner	Moore (KS)	Welch (VT)
Frank (MA)	Moore (WI)	Wexler
Giffords	Moran (VA)	Wilson (OH)
Gillibrand	Murphy (CT)	Woolsey
Gonzalez	Murphy, Patrick	Wu
Gordon	Murtha	Wynn
Green, Al	Nadler	Yarmuth
Green, Gene	Napolitano	
Grijalva		

NAYS—194

Aderholt	Bartlett (MD)	Blunt
Akin	Barton (TX)	Boehner
Alexander	Biggert	Bonner
Bachmann	Billbray	Bono
Bachus	Bilirakis	Boozman
Baker	Bishop (UT)	Boustany
Barrett (SC)	Blackburn	Brady (TX)

Brown (SC)	Hayes	Platts
Brown-Waite,	Heller	Poe
Ginny	Hensarling	Porter
Buchanan	Herger	Price (GA)
Burgess	Hobson	Pryce (OH)
Camp (MI)	Hoekstra	Putnam
Campbell (CA)	Hulshof	Radanovich
Cannon	Hunter	Regula
Cantor	Inglis (SC)	Rehberg
Capito	Issa	Reichert
Carter	Jindal	Renzi
Castle	Johnson (IL)	Reynolds
Chabot	Jones (NC)	Rogers (AL)
Coble	Jordan	Rogers (KY)
Cole (OK)	Keller	Rogers (MI)
Conaway	King (IA)	Rohrabacher
Crenshaw	King (NY)	Ros-Lehtinen
Cubin	Kingston	Roskam
Culberson	Kirk	Royce
Davis (KY)	Kline (MN)	Ryan (WI)
Davis, David	Knollenberg	Sali
Davis, Jo Ann	Kuhl (NY)	Saxton
Davis, Tom	LaHood	Schmidt
Deal (GA)	Lamborn	Sensenbrenner
Dent	Latham	Sessions
Diaz-Balart, L.	LaTourette	Shadegg
Diaz-Balart, M.	Lewis (CA)	Shays
Doolittle	Lewis (KY)	Shimkus
Drake	Linder	Shuster
Dreier	LoBiondo	Simpson
Duncan	Lungren, Daniel	Smith (NE)
Ehlers	E.	Smith (NJ)
Emerson	Mack	Smith (TX)
English (PA)	Manzullo	Souder
Everett	Marchant	Stearns
Fallin	McCarthy (CA)	Sullivan
Feeney	McCaul (TX)	Tancredo
Ferguson	McCotter	Terry
Flake	McCrery	Thornberry
Forbes	McHenry	Tiahrt
Fortenberry	McHugh	Tiberi
Fossella	McKeon	Turner
Fox	Mica	Upton
Franks (AZ)	Miller (FL)	Walberg
Frelinghuysen	Miller (MI)	Walden (OR)
Gallely	Miller, Gary	Walsh (NY)
Garrett (NJ)	Moran (KS)	Wamp
Gerlach	Murphy, Tim	Weldon (FL)
Gilchrest	Musgrave	Weller
Gillmor	Myrick	Westmoreland
Gingrey	Neugebauer	Whitfield
Gohmert	Nunes	Wicker
Goode	Paul	Wilson (NM)
Goodlatte	Pearce	Wilson (SC)
Granger	Pence	Wolf
Graves	Peterson (PA)	Young (AK)
Hall (TX)	Petri	Young (FL)
Hastert	Pickering	
Hastings (WA)	Pitts	

NOT VOTING—10

Burton (IN)	Johnson, Sam	McMorris
Buyer	Levin	Rodgers
Calvert	Lucas	Norwood
Edwards		Ramstad

□ 1237

Mr. DAVIS of Kentucky changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OBEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 194, not voting 11, as follows:

[Roll No. 36]

AYES—230

Abercrombie	Grijalva	Nadler
Ackerman	Gutierrez	Neal (MA)
Allen	Hall (NY)	Oberstar
Altmire	Hare	Obey
Andrews	Harman	Oliver
Arcuri	Hastings (FL)	Ortiz
Baca	Herseth	Pallone
Baird	Higgins	Pascarell
Baldwin	Hill	Pastor
Barrow	Hinche	Payne
Bean	Hinojosa	Pelosi
Becerra	Hirono	Perlmutter
Berkley	Hodes	Peterson (MN)
Berman	Holden	Pomeroy
Berry	Holt	Price (NC)
Bishop (GA)	Honda	Rahall
Bishop (NY)	Hooley	Rangel
Blumenauer	Hoyer	Reyes
Boren	Inslee	Rodriguez
Boswell	Israel	Ross
Boucher	Jackson (IL)	Rothman
Boyd (FL)	Jackson-Lee	Roybal-Allard
Boyd (KS)	(TX)	Ruppersberger
Brady (PA)	Jefferson	Rush
Braley (IA)	Johnson (GA)	Ryan (OH)
Brown, Corrine	Johnson, E. B.	Salazar
Butterfield	Jones (OH)	Sánchez, Linda T.
Capps	Kagen	Sanchez, Loretta
Capuano	Kanjorski	Sarbanes
Cardoza	Kaptur	Schakowsky
Carnahan	Kennedy	Schiff
Carney	Kildee	Schwartz
Carson	Kilpatrick	Scott (GA)
Castor	Kind	Scott (VA)
Chandler	Klein (FL)	Serrano
Clarke	Kucinich	Sestak
Clay	Lampson	Shea-Porter
Cleaver	Langevin	Sherman
Clyburn	Lantos	Shuler
Cohen	Larsen (WA)	Sires
Conyers	Larson (CT)	Skelton
Cooper	Lee	Slaughter
Costa	Lewis (GA)	Smith (WA)
Costello	Lipinski	Snyder
Courtney	Loeb sack	Solis
Cramer	Lofgren, Zoe	Space
Crowley	Lowey	Spratt
Cuellar	Lynch	Stark
Cummings	Mahoney (FL)	Stupak
Davis (AL)	Maloney (NY)	Sutton
Davis (CA)	Markey	Tanner
Davis (IL)	Marshall	Tauscher
Davis, Lincoln	Matheson	Taylor
DeFazio	Matsui	Thompson (CA)
DeGette	McCarthy (NY)	Thompson (MS)
Delahunt	McCollum (MN)	Tierney
DeLauro	McDermott	Towns
Dicks	McGovern	Udall (CO)
Dingell	McIntyre	Udall (NM)
Doggett	McNerney	Van Hollen
Donnelly	McNulty	Velázquez
Doyle	Meehan	Visclosky
Ellison	Meek (FL)	Walz (MN)
Ellsworth	Meeks (NY)	Wasserman
Emanuel	Melancon	Schultz
Engel	Michaud	Waters
Eshoo	Millender	Watson
Etheridge	McDonald	Watt
Farr	Miller (NC)	Waxman
Fattah	Miller, George	Weiner
Filner	Mitchell	Welch (VT)
Frank (MA)	Mollohan	Wexler
Giffords	Moore (KS)	Wilson (OH)
Gillibrand	Moore (WI)	Woolsey
Gonzalez	Moran (VA)	Wu
Gordon	Murphy (CT)	Wynn
Green, Al	Murphy, Patrick	Yarmuth
Green, Gene	Murtha	

NOES—194

Aderholt	Bonner	Castle
Akin	Bono	Chabot
Alexander	Boozman	Coble
Bachmann	Boustany	Cole (OK)
Bachus	Brady (TX)	Conaway
Baker	Brown (SC)	Crenshaw
Barrett (SC)	Brown-Waite,	Cubin
Bartlett (MD)	Ginny	Culberson
Barton (TX)	Buchanan	Davis (KY)
Biggart	Burgess	Davis, David
Bilbray	Camp (MI)	Davis, Jo Ann
Bilirakis	Campbell (CA)	Davis, Tom
Bishop (UT)	Cannon	Deal (GA)
Blackburn	Cantor	Dent
Blunt	Capito	Diaz-Balart, L.
Boehner	Carter	Diaz-Balart, M.

Doolittle	Kirk	Reichert
Drake	Kline (MN)	Renzi
Dreier	Knollenberg	Reynolds
Duncan	Kuhl (NY)	Rogers (AL)
Ehlers	LaHood	Rogers (KY)
Emerson	Lamborn	Rogers (MI)
English (PA)	Latham	Rohrabacher
Everett	LaTourette	Ros-Lehtinen
Fallin	Lewis (CA)	Roskam
Feeney	Lewis (KY)	Royce
Ferguson	Linder	Ryan (WI)
Flake	LoBiondo	Sali
Forbes	Lungren, Daniel E.	Saxton
Fortenberry	Mack	Schmidt
Fossella	Manzullo	Sensenbrenner
Fox	Marchant	Sessions
Franks (AZ)	McCarthy (CA)	Shadegg
Frelinghuysen	McCaul (TX)	Shays
Gallegly	McCotter	Shimkus
Garrett (NJ)	McCrery	Shuster
Gerlach	McHenry	Simpson
Gilchrest	McHugh	Smith (NE)
Gillmor	McKeon	Smith (NJ)
Gingrey	Mica	Smith (TX)
Gohmert	Miller (FL)	Souder
Goode	Miller (MI)	Stearns
Goodlatte	Miller, Gary	Sullivan
Granger	Moran (KS)	Tancred
Graves	Murphy, Tim	Terry
Hall (TX)	Musgrave	Thornberry
Hastert	Myrick	Tiahrt
Hastings (WA)	Neugebauer	Tiberi
Hayes	Nunes	Turner
Heller	Paul	Upton
Hensarling	Pearce	Walberg
Herger	Pence	Walden (OR)
Hobson	Peterson (PA)	Walsh (NY)
Hoekstra	Petri	Wamp
Hulshof	Pickering	Weldon (FL)
Hunter	Pitts	Weller
Inglis (SC)	Platts	Westmoreland
Issa	Poe	Whitfield
Jindal	Porter	Wicker
Johnson (IL)	Price (GA)	Wilson (NM)
Jones (NC)	Pryce (OH)	Wilson (SC)
Jordan	Putnam	Wolf
Keller	Radanovich	Young (AK)
King (IA)	Regula	Young (FL)
King (NY)	Rehberg	
Kingston		

NOT VOTING—11

Burton (IN)	Levin	Norwood
Buyer	Lucas	Ramstad
Calvert	McMorris	
Edwards	Rodgers	
Johnson, Sam	Napolitano	

□ 1247

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 36, had I been present, I would have voted "yes."

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 66, I call up the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Creating Long-Term Energy Alternatives for the Nation Act of 2007" or the "CLEAN Energy Act of 2007".

TITLE I—DENIAL OF OIL AND GAS TAX BENEFITS

SEC. 101. SHORT TITLE.

This title may be cited as the "Ending Subsidies for Big Oil Act of 2007".

SEC. 102. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "or", and by inserting after clause (iii) the following new clause:

"(iv) the sale, exchange, or other disposition of oil, natural gas, or any primary product thereof."

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) of such Code is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal."

(c) CONFORMING AMENDMENTS.—Section 199(c)(4) of such Code is amended—

(1) in subparagraph (A)(i)(III) by striking "electricity, natural gas," and inserting "electricity", and

(2) in subparagraph (B)(ii) by striking "electricity, natural gas," and inserting "electricity".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) of the Internal Revenue Code of 1986 (relating to special rule for major integrated oil companies) is amended by striking "5-year" and inserting "7-year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

TITLE II—ROYALTIES UNDER OFFSHORE OIL AND GAS LEASES

SEC. 201. SHORT TITLE.

This title may be cited as the "Royalty Relief for American Consumers Act of 2007".

SEC. 202. PRICE THRESHOLDS FOR ROYALTY SUSPENSION PROVISIONS.

The Secretary of the Interior shall agree to a request by any lessee to amend any lease issued for any Central and Western Gulf of Mexico tract during the period of January 1, 1998, through December 31, 1999, to incorporate price thresholds applicable to royalty suspension provisions, that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)). Any amended lease shall impose the new or revised price thresholds effective October 1, 2006. Existing lease provisions shall prevail through September 30, 2006.

SEC. 203. CLARIFICATION OF AUTHORITY TO IMPOSE PRICE THRESHOLDS FOR CERTAIN LEASE SALES.

Congress reaffirms the authority of the Secretary of the Interior under section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) to vary, based on the price of production from a lease, the suspension of royalties under any lease subject to section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (Public Law 104-58; 43 U.S.C. 1337 note).

SEC. 204. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES; CONSERVATION OF RESOURCES FEES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary shall not issue any new lease that authorizes the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person described in paragraph (2) unless—

(A) the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(B) the person has—

(i) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(ii) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person or entity who has any direct or indirect interest in, or who derives any benefit from, a covered lease;

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) CONSERVATION OF RESOURCES FEES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior by regulation shall establish—

(A) a conservation of resources fee for producing Federal oil and gas leases in the Gulf of Mexico; and

(B) a conservation of resources fee for non-producing Federal oil and gas leases in the Gulf of Mexico.

(2) PRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(A)—

(A) subject to subparagraph (C), shall apply to covered leases that are producing leases;

(B) shall be set at \$9 per barrel for oil and \$1.25 per million Btu for gas, respectively, in 2005 dollars; and

(C) shall apply only to production of oil or gas occurring—

(i) in any calendar year in which the arithmetic average of the daily closing prices for light sweet crude oil on the New York Mercantile Exchange (NYMEX) exceeds \$34.73 per barrel for oil and \$4.34 per million Btu for gas in 2005 dollars; and

(ii) on or after October 1, 2006.

(3) NONPRODUCING LEASE FEE TERMS.—The fee under paragraph (1)(B)—

(A) subject to subparagraph (C), shall apply to leases that are nonproducing leases;

(B) shall be set at \$3.75 per acre per year in 2005 dollars; and

(C) shall apply on and after October 1, 2006.

(4) TREATMENT OF RECEIPTS.—Amounts received by the United States as fees under this subsection shall be treated as offsetting receipts.

(c) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any covered lease, the economic benefit of any covered lease, or any other lease for the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), unless—

(1) the lessee or other person has—

(A) renegotiated all covered leases of the lessee or other person; and

(B) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) the lessee or other person has—

(A) paid all fees established by the Secretary under subsection (b) that are due with respect to each covered lease for which the person is a lessee; or

(B) entered into an agreement with the Secretary under which the person is obligated to pay such fees.

(d) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term “covered lease” means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term “lessee” includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 205. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED ROYALTY RELIEF FOR THE OIL AND GAS INDUSTRY.

(a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT OF 2005.—The following provisions of the Energy Policy Act of 2005 (Public Law 109-58) are repealed:

(1) Section 344 (42 U.S.C. 15904; relating to incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico).

(2) Section 345 (42 U.S.C. 15905; relating to royalty relief for deep water production in the Gulf of Mexico).

(3) Subsection (i) of section 365 (42 U.S.C. 15924; relating to the prohibition on drilling-related permit application cost recovery fees).

(b) PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking “and in the Planning Areas offshore Alaska” after “West longitude”.

(c) PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as transferred, redesignated, moved,

and amended by section 347 of the Energy Policy Act of 2005 (119 Stat. 704)) is amended—

(1) in subsection (i) by striking paragraphs (2) through (6); and

(2) by striking subsection (k).

TITLE III—STRATEGIC ENERGY EFFICIENCY AND RENEWABLES RESERVE

SEC. 301. STRATEGIC ENERGY EFFICIENCY AND RENEWABLES RESERVE FOR INVESTMENTS IN RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) IN GENERAL.—For budgetary purposes, the additional Federal receipts by reason of the enactment of this Act shall be held in a separate account to be known as the “Strategic Energy Efficiency and Renewables Reserve”. The Strategic Energy Efficiency and Renewables Reserve shall be available to offset the cost of subsequent legislation—

(1) to accelerate the use of clean domestic renewable energy resources and alternative fuels;

(2) to promote the utilization of energy-efficient products and practices and conservation; and

(3) to increase research, development, and deployment of clean renewable energy and efficiency technologies.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, providing funding for the purposes set forth in subsection (a) in excess of the amounts provided for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments set forth in paragraph (2) for the amount of new budget authority and outlays in that measure and the outlays flowing from that budget authority.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(C) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974.

(3) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraphs (1) and (2) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to this Act for the fiscal year in which the adjustments are made.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. OBEY). The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, under what rule are we considering H.R. 6?

The SPEAKER pro tempore. The rule that the House just adopted.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Does the rule under which we are considering H.R. 6 allow any amendments to H.R. 6?

The SPEAKER pro tempore. Only through the motion to recommit.

Mr. PRICE of Georgia. Mr. Speaker, because of the rule being adopted on the floor, I demand the question of consideration.

The SPEAKER pro tempore. The gentleman demands the question of consideration. Under clause 3 of rule XVI, the question is: Will the House now consider H.R. 6?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 193, not voting 13, as follows:

[Roll No. 37]

AYES—228

Abercrombie	Frank (MA)	Michaud
Ackerman	Giffords	Millender-
Allen	Gillibrand	McDonald
Altmire	Gonzalez	Miller (NC)
Andrews	Gordon	Miller, George
Arcuri	Green, Al	Mitchell
Baca	Green, Gene	Mollohan
Baird	Grijalva	Moore (KS)
Baldwin	Gutierrez	Moore (WI)
Barrow	Hall (NY)	Moran (VA)
Bean	Hare	Murphy (CT)
Becerra	Harman	Murtha
Berkley	Hastings (FL)	Nadler
Berman	Herseth	Napolitano
Berry	Higgins	Neal (MA)
Bishop (GA)	Hill	Oberstar
Bishop (NY)	Hinchey	Obey
Blumenauer	Hinojosa	Olver
Boren	Hirono	Ortiz
Boswell	Hodes	Pallone
Boucher	Holden	Pascarell
Boyd (FL)	Honda	Pastor
Boyd (KS)	Hoolley	Payne
Brady (PA)	Hoyer	Perlmutter
Braley (IA)	Inslee	Peterson (MN)
Brown, Corrine	Israel	Pomeroy
Butterfield	Jackson (IL)	Price (NC)
Capps	Jackson-Lee	Rahall
Capuano	(TX)	Rangel
Cardoza	Jefferson	Reyes
Carnahan	Johnson (GA)	Rodriguez
Carney	Johnson, E. B.	Ross
Carson	Jones (OH)	Rothman
Castor	Kagen	Roybal-Allard
Clarke	Kanjorski	Ruppersberger
Clay	Kaptur	Rush
Cleaver	Kennedy	Ryan (OH)
Clyburn	Kildee	Salazar
Cohen	Kilpatrick	Sánchez, Linda
Conyers	Kind	T.
Cooper	Klein (FL)	Sanchez, Loretta
Costa	Kucinich	Sarbanes
Costello	Lampson	Schakowsky
Courtney	Langevin	Schiff
Cramer	Lantos	Schwartz
Crowley	Larsen (WA)	Scott (GA)
Cuellar	Larson (CT)	Scott (VA)
Cummings	Lee	Serrano
Davis (AL)	Lewis (GA)	Sestak
Davis (CA)	Lipinski	Shea-Porter
Davis (IL)	Loebbeck	Sherman
Davis, Lincoln	Lofgren, Zoe	Shuler
DeFazio	Lowey	Sires
DeGette	Lynch	Skelton
Delahunt	Mahoney (FL)	Slaughter
DeLauro	Maloney (NY)	Smith (WA)
Dicks	Markley	Snyder
Dingell	Marshall	Solis
Doggett	Matheson	Space
Donnelly	Matsui	Spratt
Doyle	McCarthy (NY)	Stark
Edwards	McCollum (MN)	Stupak
Ellison	McDermott	Sutton
Ellsworth	McGovern	Tanner
Emanuel	McIntyre	Tauscher
Engel	McNerney	Taylor
Eshoo	McNulty	Thompson (CA)
Etheridge	Meehan	Thompson (MS)
Farr	Meek (FL)	Tierney
Fattah	Meeks (NY)	Towns
Filner	Melancon	Udall (CO)

Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz

Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler

Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Fox
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Mustrgrave
Myrick
Neugebauer

Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bachus
Burton (IN)
Buyer
Calvert
Chandler

Holt
Johnson, Sam
Levin
Lucas

McMorris
Rodgers
Murphy, Patrick
Norwood
Ramstad

□ 1308

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Pursuant to House Resolution 66, debate shall not exceed 3 hours, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee

on Natural Resources, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology.

The gentleman from Washington (Mr. McDERMOTT), the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New Mexico (Mr. PEARCE) each will control 30 minutes, and the gentleman from Minnesota (Mr. PETERSON), the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 15 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I yield myself 2 minutes.

We are here to take one small and bipartisan step toward making clean renewable energy a reality in America. And imagine my surprise, Big Oil doesn't think it is a good idea. But let's set the stage for this debate.

Two years ago, Big Oil muscled their way into a corporate tax break they had never earned and didn't need. They are siphoning off \$1 billion a year right out of the pockets of U.S. taxpayers, and they want it to last forever, right along with \$10 billion in quarterly profits that they have been reporting.

Their answer to everything is more drilling and more money. The President completely agrees. He thinks it is unfair of us to expect Big Oil to actually earn money. He would actually just give it to them. That is what they think; that is what the American people face.

According to a report by the Department of Energy, it is expected that 86 percent of our energy supply will come from oil, coal, and natural gas in the year 2030. That is the same proportion of our energy consumption that carbon provides today.

That same report states that we should expect oil, gas, and coal prices to continually climb. In other words, if this country does not pursue a radically different approach to energy, we can expect dirty air, more pain at the pump, and more reliance on foreign oil.

The bill before us takes the vital first step in the pursuit of a new energy policy that looks to American innovation to provide renewable energy. This bill is a down payment, and only that, on a commitment to an energy policy that is fitting for the 21st century. The bill before us is fundamentally fair.

In 2004, the Congress sought to help American manufacturers better compete in the global economy, but in doing so they provided a 10 percent reduction in the Federal taxes owed by Big Oil. That translates into a tax subsidy for over \$1 billion a year, a real boondoggle.

What is more, the Congress gave this subsidy to oil at a time when the industry was enjoying recordbreaking

profits that were resulting from \$60 a barrel oil. That is wrong. Today we take the first step back in the right direction.

Today we're taking the taxpayer money and putting it to better use. Today the House of Representatives will decide that it's wiser to invest in renewable energy, innovation, and a future for our economy and our planet.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our friends on the other side of the aisle have proposed a so-called energy bill that they claim will promote America's energy independence. In reality, Mr. Speaker, the Democrats have presented the House Chamber with a placebo that will ultimately reduce domestic energy production, give American energy companies less of a reason to invest in exploration here at home, encourage greater dependence on foreign oil, and damage America's manufacturing base.

H.R. 6 has become another political football for the Democratic Party. And, frankly, Mr. Speaker, as *The Washington Post* rightfully editorialized yesterday, energy policy deserves more serious treatment.

The Democrats' solution to America's energy crisis is to single out oil and gas producers for a tax increase. The fact is, Mr. Speaker, this legislation is not likely to impact oil producers' profits in any way, shape, or form. This is energy policy by focus group, not a serious prescription for achieving America's energy future.

The one thing that we can be assured that this bill will do is raise prices at the pump for America's consumers. Furthermore, it creates disincentives that will decrease the supply of domestic natural gas and oil and increase our country's energy imports.

While H.R. 6 not only forces our country to become more dependent on foreign oil, it will also force America's working families to bear the brunt of increased energy costs.

The \$6.6 billion tax increase embedded in this bill will inevitably be borne entirely by consumers in the form of higher gasoline and home energy prices. The effects of high gas prices will ripple throughout the economy, increasing prices on everything from electronics to school supplies. Like the Keystone Kops, the House leadership aims at one target but ends up hitting the American public.

□ 1315

In addition, the Democrats have yet to detail what exactly they will do with an additional \$14 billion in revenue. In my view, such excess revenue will provide the Democratic leadership with a liberal slush fund to curry favor with one industry over another.

If Democrats want to invest in new energy technologies, they should debate and define their priorities openly. This, Mr. Speaker, is political pork barrel at its worst.

Finally, H.R. 6 is an assault against America's manufacturing base. Using

nearly one-third of the Nation's energy, both as fuel and feed stock, energy production is the very heart of American manufacturing. With such an energy-intensive industry, raising energy prices will make domestic manufacturers less competitive in the world market. This is one reason why the National Association of Manufacturers has firmly opposed this bill.

By making the oil and gas industries ineligible for the section 199 deduction for domestic manufacturing activities and changing current amortization rates for the geological and geophysical costs incurred in energy exploration, H.R. 6 will further erode the U.S. comparative advantage, forcing more and more of our good-paying manufacturing jobs overseas.

Mr. Speaker, I have long advocated for a comprehensive energy policy to reduce our dependence on foreign oil and increase America's access to clean, affordable and dependable energy for their cars, homes and businesses. H.R. 6 is simply not the answer.

This legislation is bad energy policy and bad tax policy which explains why the Democratic leadership shoehorned it through the process without a committee markup or even a single public hearing.

We must stand up for American manufacturers, stand up for American consumers, and preserve our domestic energy supply. So I urge my colleagues to join me today in opposing H.R. 6 and supporting the Republican alternative.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

(Mr. NEAL Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank Mr. McDERMOTT for yielding me this time.

After I got done hearing my friend from Pennsylvania speak, I was reminded once again of a recurring theme in this town from Republicans: have they ever met a special interest they didn't love.

The struggles of Big Oil: profits last year of 117 percent. Remember as we heard these arguments just a couple of minutes ago from those champions of the average guy, as they would have you believe today, these are the people who in a craven moment in the closing days of the 109th Congress tied an increase in the minimum wage to repeal of the estate tax, conveniently forgetting about that individual who had to work one day a week at minimum wage just to fill their gasoline tanks.

This is good policy. It is sensible, and it speaks to the idea of returning \$14 billion to the Treasury that will be redirected to renewable and energy-efficient programs resulting in a cleaner and more efficient America where both consumer and business reap the benefits.

Advancing progressive energy will wean us off of foreign oil, which all

Americans agree is needed. It has been said that American needs another Manhattan Project, not to create weapons of mass destruction, but to create masses of jobs by harnessing America's technological innovation.

We all know how many jobs have been lost due to foreign competition, and we are going to continue to lose them if we fail to make the necessary investments in energy technology and the people who are behind the research and its development.

Put the American people and their interests first here. The idea that we would drill on public land and not seek some sort of compensation for the Federal Government, relief for the taxpayer, is ridiculous.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 2 minutes to a distinguished member of the Ways and Means Committee and a strong advocate of energy policy, the gentleman from Illinois (Mr. WELLER). (Mr. WELLER of Illinois asked and was given permission to revise and extend his remarks.)

Mr. WELLER of Illinois. Mr. Speaker, today politics trumps policy. If regular order had been followed in this House, allowing this tax increase to go through the Ways and Means Committee, we would have a better understanding of the consequences of today's \$14 billion tax increase.

You know, if the House of Representatives was subjected to the truth-in-labeling requirement, H.R. 6 would be called the Ship Jobs Overseas Act because it imposes a \$14 billion tax increase on investing in America.

We have all heard the campaign rhetoric; both sides use it: you know, the Tax Code sends jobs overseas. Well today, this House may well do that if it votes to pass this \$14 billion tax increase.

I support replacing imported oil with home-grown biofuels like ethanol and biodiesel, as well as alternatives sources of energy like wind power and solar. And thanks to the energy bill we passed in the previous Congress, there are hundreds of millions of dollars in new wind investment in the district I represent, six new ethanol and biodiesel plants moving forward in our districts; and because I am concerned about climate change, I believe we need to do more.

That is why I believe 25 percent of our energy that we consume by 2025 should come from nonfossil fuel sources.

This bill doesn't do anything about that because H.R. 6 only raises taxes. I would note that one of the biggest refineries in America is in the district I represent, providing 600 jobs. That particular company is investing \$1 billion right now to expand. They chose to expand in America, creating American jobs. They could have expanded in Venezuela, making Hugo Chavez happy; but they chose to invest here. And what is their reward? Higher taxes.

That is why this legislation, H.R. 6, should be called the Ship Jobs Overseas

Act. Think about it, if you invest in energy in America, you invest in oil and natural gas development in America, my friends on the other side of the aisle want you to pay higher taxes. I urge a "no" vote.

Mr. Speaker, I rise today in opposition to H.R. 6, the Creating Long-Term Energy Alternatives for the Nation Act of 2007. I rise in opposition because this bill before us today will make our country more dependent on foreign oil and less secure.

It's pretty safe to say that every Member here supports the goal of reducing our dependence on foreign oil. It's a national security issue and it hits home every single day when people go to the pumps to fill up their vehicles.

And I agree with the concept of this bill that our Nation must invest in renewable sources of energy like ethanol, biodiesel, wind and solar. In the upcoming weeks I will be introducing multiple pieces of legislation that will increase our use of renewable energy and I look forward to working in a bipartisan way with those in the majority to make some of these ideas a reality.

What really doesn't make sense to me is that, in this bill, the majority do the complete opposite of achieving the goal of reducing our dependence on foreign oil.

They are going to raise the taxes of oil companies that produce oil here domestically and make it more difficult to produce oil here at home.

In my district, ExxonMobil has one of the largest domestic refineries in the country, employing approximately 509 people.

Over the last 5 years, they have invested more than \$500 million in the Joliet Refinery of which about \$300 million was for equipment to produce low sulfur gasoline and ultra-low sulfur diesel fuel.

In 2007 and 2008 they plan to invest more than \$400 million to install additional control equipment.

Now, by passing this bill, we are going to be sending the message to companies like Exxon who by 2008 will have invested close to a billion dollars in central Illinois, saying "Thanks for investing in America, now we are going to raise your taxes."

Bills just like this here before us today should be labeled "the send jobs overseas act" because that is exactly what it will do. Close to a thousand energy related jobs in my district and the approximately 1.8 million jobs in the U.S. are put in jeopardy now because of this policy that discourages investment in America.

And who are the big winners of this bill? Leaders like Hugo Chavez in Venezuela and OPEC who are watching this and loving the fact that we are passing punitive tax policy on domestic energy producers.

With the Energy Policy Act of 2005, we took steps forward in reducing our dependence on foreign oil by creating policy that increased the use of renewable energy in tandem with increasing our domestic production of energy sources.

Due to the Energy bill, we have seen hundreds of millions invested in wind energy and four to five new ethanol and biodiesel plants in my district. In total, we saw investment in renewable energy double in the United States to \$68 billion.

We need to go back to those roots of encouraging investment here in the United States.

This bill makes us less secure and more dependent on foreign oil.

Vote against this send jobs overseas act that will raise taxes and discourage investment here in America.

Mr. McDERMOTT. Mr. Speaker, I would remind my gentleman friend from Illinois that the United States is among the lowest countries in the world in terms of corporate taxes.

Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Dr. McDERMOTT, the gentleman from Washington, for yielding me this time and bringing this piece of legislation to us.

Mr. Speaker, I rise in support of H.R. 6, the CLEAN Energy Act. More than ever, we need to get our priorities straight. We need to stop helping big oil companies and start helping American families. We need to stop dancing while Rome burns and reverse the damage we have done to our environment.

Oil companies are making record profits. They do not need our help. They are not begging for our help. They made more than \$96 billion in profit in 2006. It is time to end the massive giveaway to the big oil companies. It is time to end corporate welfare. It is time to take taxpayer dollars back from the oil companies and use them to solve our energy problems.

It is our moral duty to use other forms of energy, and H.R. 6 starts us on this process. Global warming can no longer be ignored. 2006 was one of the hottest years on record. The weather in Washington during the last 2 weeks has felt more like the warm weather I am used to in my home State of Georgia. We need to act now. H.R. 6 will start to address global warming and turn back the damage we are doing to our environment.

We also need to reduce our reliance on Middle Eastern oil. It is our duty to help inspire the next generation of energy technology: hydrogen, ethanol, wind and other sources of energy that will not harm our little planet, our little spaceship we call Earth.

The American people need relief from energy costs. By improving our energy efficiency, we can all spend less to light and heat our homes and fuel our cars with gas.

Do the oil companies really deserve tax breaks while they earn billions of dollars in profits? It is time to end this waste. It is not right. It is time to start improving our quality of life. The people have a right to know what is in the air we breathe and what is in the water we drink. I urge my colleagues to support H.R. 6.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege now to yield 3 minutes to a strong advocate of a strong American energy policy, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in strong opposition to H.R. 6, the so-called CLEAN Energy Act of 2007. I oppose this bill because in

it our Democratic friends are putting America's security and economic vitality at risk. This bill is fundamentally a tax-increasing and job-destroying piece of legislation that will result in less energy independence, not more.

Mr. Speaker, there are several provisions within this bill that I take exception to. As one of the Representatives from Oklahoma, I would focus on a particularly onerous provision that will assist in the destruction of small American producers in the domestic oil and gas industry.

In 2005, the Republicans worked for and passed legislation with substantial Democratic support creating clear incentives for domestic production of oil. That policy contributes directly to our efforts to achieve energy independence in America. Today, the Democratic Party claims the oil and gas industry has become too profitable and believes this industry needs to be reined in by burdening it with increased taxes. This conclusion is wrong, and the end result will be increased reliance on foreign oil production, less energy independence here in America, and higher prices for every American consumer.

This legislation is based on the false premise that the oil and gas industry is too profitable. In fact, according to the Census Bureau and the American Petroleum Institute: "The oil and gas industry earned 8.5 cents on every dollar of sales compared to 7.4 cents for all U.S. manufacturing, mining and wholesale trade." The API further states: "For the last 5 years, the oil and gas industry has earned 5.9 cents compared to an average for all U.S. industry of 5.2 cents for every dollar of sales." This is hardly greedy or out of line with other U.S. businesses.

Mr. Speaker, the negative ripple effects of this tax on one of the most basic industries in America are dire; and this will affect the whole oil and gas industry, both large and small. Eliminating this tax break is certain to increase the price of gasoline, natural gas and heating oil, as the extra costs will be passed on to consumers. Consumers should oppose it for the same reasons they oppose taxes on imported oil and gas production: it will raise prices. Moreover, it will discourage domestic energy exploration, extraction, production, and refining, thereby making America more dependent on foreign sources of oil and gas. And it will harm State and local economies as smaller producers are forced to shut down marginal wells. Oklahoma has roughly 70,000 wells producing less than 10 barrels of oil a day, and these will be among the first wells to close down due to unsustainable costs in this tax increase.

Mr. Speaker, H.R. 6 will have profound and long-lasting harmful effects on our economy and our security. Overall, this bill takes our country in the opposite direction than the one in which we need to go. H.R. 6 is nothing more than a ploy by the Democratic Party to create political sound bites at

the expense of sound energy policy. Frankly, I hope my Democratic friends from energy-producing States do not feel compelled out of blind partisan loyalty to vote for this bill.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I am a Democrat representing an energy-producing State, and I will be proudly supporting this bill.

This bill creates a very important reserve, a reserve that will serve as a funding base for our efforts to significantly expand critical research in order to develop greater energy independence for our country while continuing those tax credits that have been absolutely essential to the growth of renewable fuels in our country.

We face the promise of not looking to the Middle East, but looking to the Middle West for our energy future, and we are seeing across the plains of this country wonderful developments. A 10-fold increase of ethanol production alone in my State is under construction at the present time due essentially to these tax credits that continue to fuel this revolution.

What about the issues of a new tax, something that will crack people right at the pump. The reality is we are addressing something that was slipped into a massive bill dealing with the tax needs of manufacturers.

□ 1330

As we restructured the tax base on the Nation's manufacturers, in light of international trade pressures, we constructed a bill, moved the bill forward, and at no point in the debate in the Ways and Means Committee or on the floor of the House was there notice provided that a similar tax treatment was slipped in for the oil companies. This is something they did not have before; it is something that has not been long critical to their operations. This was an ill-gotten windfall amounting to \$700 million a year, and it is time it be withdrawn.

In the withdrawing, however, it is not going to the General Treasury. We are dedicating it, dedicating it to the energy picture. So as we try to move from big oil into renewables, we will have the wherewithal to do it. I urge passage.

This bill is an important step for our growing renewable energy industry. H.R. 6 will set up a Strategic Energy Efficiency and Renewables Reserve, which will allow this Congress to begin to get serious about developing America's renewable energy industries.

Through enhanced investment in renewable energy we will not only build a sustainable industry for our State but we will also be helping make America more energy independent and more secure.

There will be many new proposals made in the coming months regarding how we should use this reserve, but we must make sure that while we place significant funds into research and development we also continue to place importance on policies and tax credits that

have an immediate impact on the creation of renewable energy. These tax credits include those for ethanol, biodiesel and the production tax credit for wind and other renewables.

The tax credits for biodiesel and ethanol are set to expire in the next few years. These credits must be extended to ensure that the biofuels industry is able to continue its expansion and meet more and more of our transportation fuel needs. These credits helped spur the development of 350 million gallons of ethanol and over 100 million gallons of biodiesel in my State, North Dakota, over the last 2 years alone.

In 2006 over 1 billion gallons of ethanol production capacity came online with another 5.4 billion expected to become operational in the next 18 months easily surpassing the 7.5 billion gallon Renewable Fuels Standard set for 2012. Meanwhile the biodiesel industry has tripled its production capacity each year since 2004. Expansion of these credits will have a direct effect on the volume of biofuels produced, encouraging the development that we need to lower our dependence on foreign oil.

In addition to the biofuels incentives, the production tax credit, which expires at the end of next year, must be extended for 5 years to allow industries such as the wind industry to operate under stable conditions. Without stabilizing the tax credit, companies like DMI Industries in West Fargo and LM Glassfiber in Grand Forks are in constant limbo. DMI manufactures wind turbine towers and had furloughed over 100 employees in late 2003 after the expiration of the wind production tax credit. LM Glassfiber, which manufactures wind turbine blades, had previously idled all production due to the delay in extending the wind tax credit and was forced to furlough 60 to 70 employees.

America has great potential for meeting our energy needs domestically. In order to achieve energy independence we must enact policies that will take full advantage of our renewable fuel potential but at the same time we must also continue to invest in traditional sources of energy such as clean coal and domestic oil production. Technologies such as coal-to-liquids, enhanced oil recovery through carbon sequestration and clean coal technologies hold great potential for increasing the efficiency of these industries while at the same time making them more environmentally friendly.

Reliance on foreign sources for our energy supply and the volatility of the Middle East create a national security risk that cannot be ignored. We must work to harness our own Nation's energy resources while also bolstering new and inventive methods of meeting our growing energy needs. We are taking an important first step today and I look forward to the debate on renewable energy that will occur in the coming months.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 20½ minutes and the gentleman from Washington has 21½ minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Missouri (Mr. HULSHOF).

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Before my friend from North Dakota leaves the floor, the bill to which he referenced, he, in fact, along with 72 of his colleagues, voted for. The FSC/ETI bill that actually we are now pulling back that tax reduction. We are repealing that.

It has been an interesting 2 weeks, Mr. Speaker. We have now forced small businesses to take on additional labor costs, yet we have done nothing to cushion the blow for the mom and pop stores across the country. Last week, the majority wanted to stick it to those drug companies that develop life-saving miracle drugs, while we all have family members who actually live longer and healthier lives because of those miracle drug therapies. Today, we are considering a tax increase on the domestic energy companies.

Now, how many Members have come to the floor and made speeches and beat their breasts and lamented the loss of the manufacturing base in this country? And it is something we agree with, except that the majority's response then is to tax those very domestic energy producing companies?

Let me make a prediction, not a bold one, but as we are wrapping up this 6 in 2006, I suspect that the newly elected Speaker will actually be in the Chair as the vote is called, and as the votes are there to pass this measure there will be thunderous applause from one side of the Chamber, with handshakes and back claps all around.

You know who else is going to be applauding today's measure? The Organization of Petroleum Exporting Companies, upon whom we are already so dependent. You know who else is going to applaud today's efforts? Another big fan. The dictator from Venezuela.

And, of course, there are some on the majority side who have actually called upon Mr. Chavez in Venezuela, visited him during the last Congress, and came back to this country speaking of his benevolence?

The fact is, Mr. Speaker, the Congressional Research Service has reported that the net impact of the 2005 energy bill was to actually raise revenue from the domestic oil and gas industry by \$300 million. But let not the facts get in the way of good bumper sticker politics.

Mr. Speaker, I urge a "no" vote on H.R. 6.

Mr. Speaker, I rise to congratulate the majority for making it a whole 2 weeks before deciding to raise taxes—34 hours if you are keeping track by the clock on the Speaker's website. It must have been tough to wait this long.

I've been around here long enough to follow the twists and turns of the FSC/ETI case, and I'm somewhat puzzled by what we are doing today.

It is true that oil and gas companies were not able to claim the previous FSC benefit. It is also true that Chairman RANGEL championed an approach to replace FSC

with a broad benefit targeted at domestic manufacturing. The JOBS bill ultimately provided a broad definition of manufacturing activity to avoid arbitrarily creating winners and losers. Yet today, we find ourselves here picking and choosing among domestic activities, without concern for the broader policy implications, based solely on the need for the majority's Leadership to put out a splashy press release about getting tough on big oil.

The bill before us provides an insight into the governing philosophy of the new majority. The concern of people in my district—and across the country for that matter—is that we need to maintain an affordable supply of energy by breaking our dependence on foreign oil. By any common-sense measure, domestic exploration must be part of a multi-faceted solution to this problem. So in that regard, it is counter-intuitive to think that tax hikes on U.S. exploration activities will help provide an affordable, steady supply of gasoline to consumers.

Put another way—most of us took Econ 101 in college. I must admit, it was a few years ago when I took this class, but the way I remember it, if an added cost is put on an industry—in this case a tax—those costs will eventually get passed on to the consumer. And in that regard, I guess the majority's desired policy aim is to make gasoline more expensive.

Everyone agrees that we must break our dependence on foreign oil, and I take a backseat to no one when it comes to promoting homegrown renewable fuels like ethanol and biodiesel as a way to reduce our consumption of petroleum. In fact, had the Rules Committee made my amendments in order, the House could have voted to extend these important incentives.

But the majority's answer to this problem—tax hikes—is simply misguided, and I urge my colleagues to join me in voting “no” on H.R. 6.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT), who is an original cosponsor of the bill.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise as a proud conservative and Republican, as well as a cosponsor, to urge support of H.R. 6.

Oil and natural gas are not forever. When we burn them, they are gone. The U.S. has only 2 percent of known oil reserves. We use 25 percent of the world's oil and import two-thirds of what we are using. We pump our reserves four times faster than the rest of the world.

I just returned from a trip to China. China is preparing for a post-oil world.

There are three reasons to pursue renewable alternatives to fossil fuels. One is climate change. A second reason is preparing for peak oil. A third reason is for national security risk of our dependence on foreign oil.

As predicted by M. King Hubbert, and ratified by a recent SAIC report, the world either has or will shortly reach peak oil. As a cofounder and cochairman of the Congressional Peak Oil Caucus, I can assure you that halfway through the age of oil, there is an ur-

gent need for the U.S. to pursue conservation efficiency and alternative renewable sources of domestic energy.

We have a moral obligation to leave younger generations some oil. I urge support of this bill.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield 2 minutes to a leader in the area of energy policy on the Ways and Means Committee, the gentleman from California (Mr. NUNES).

PARLIAMENTARY INQUIRY

Mr. NUNES. Mr. Speaker, before I begin, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NUNES. Mr. Speaker, would it be correct if I asked about the long title of this bill? Is the long title of this bill, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy?

The SPEAKER pro tempore. It is a long title, but that is the title of the bill, yes.

Mr. NUNES. Thank you, Mr. Speaker.

Mr. NUNES. Mr. Speaker, I just wanted to confirm the long title, because it appears today that we are talking about this bill being about energy independence. And earlier, during the rule debate, it was brought up by the distinguished chairwoman of the Rules Committee, who referred to the process that was used under the last Congress, referring to Mr. DREIER's process, as being dishonest.

Mr. Speaker, this whole process that we are going through today is about dishonesty, and I want to be clear that I am talking about the process. This is unacceptable to me. Because if this is about energy independence, this bill we are going to pass today, then why is there this quote this morning in the Wall Street Journal, and I will read the quote. “Tomorrow we finish our 100 hours and I will talk about what comes next. And included in that is energy independence.”

Ms. PELOSI made this statement in the Wall Street Journal this morning. So are we debating today about energy independence? We are going to pass this bill about energy independence, or is this going to be something that we are going to do after this? If so, then something about this process is dishonest. I don't know if this bill is about energy independence or, as the Speaker said, in the future we are going to talk about energy independence. I thought this bill was about energy independence.

So I hope for the rest of this debate that the majority will clarify this, because I don't understand what this is

about. And we have had a lot of strong words stated during the rules debate about dishonesty in the process, and I am thoroughly confused as to who is right. Are we doing energy independence today or are we going to do that tomorrow, as the Speaker said?

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, let me assure the gentleman that after 12 years of Republican misrule here in the House, it will take much more than 100 hours to undo the damage. Today is a first step toward energy independence. It is certainly not the conclusion of what will be a long process that will involve all Members of this House.

We began this 100-hour legislative agenda with ethics laws to clean up this Congress—and it sure needed cleaning up—and we conclude it today with this effort to clean up our environment and clean up our tax code. Although modest, the CLEAN bill is truly a breath of fresh air.

Our oil and gas giants are experts at drilling holes. They drill holes into our earth to get the resources that we need, but they have also been pretty fortunate in drilling holes into our tax code and coming up with tax break after billion dollar tax break.

Allowing Big Oil to convert valuable public assets to private gain also exploits public resources, but we should not also exploit the American taxpayer. Leases should be set at a fair market rate.

Under the former Republican Leadership, Big Oil's best prospecting was not in Texas, not in the Gulf of Mexico, it was right here on the floor of the House and in secret meetings with Vice President CHENEY. They prospected in Washington and they never came up with a dry well. It was one gusher of tax benefits and special privileges after another.

Now, we finally have an opportunity to rewrite a genuine energy policy. We don't just end unreasonable tax breaks in this bill—tax breaks that I think even most of my Republican colleagues, will admit were unjustified—but we use the proceeds of those tax breaks to focus on renewable energy, on energy independence.

We now begin moving toward using our all-American ingenuity for what could be a job creation program of new leadership in energy technology, in clean energy. That is our objective. This CLEAN bill is an important start to restoring fiscal discipline and embarking on genuine energy independence.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a valued member of the Ways and Means Committee.

Mr. LEWIS of Kentucky. Thank you for yielding.

Mr. Speaker, I rise today to voice my opposition to H.R. 6 and encourage my

colleagues to vote against this bill, because one of its consequences is to raise revenue for some of America's most adamant and ardent enemies, such as Mr. Hugo Chavez in Venezuela and Mr. Ahmadinejad in Iran.

As I travel my district, my constituents have a consistent message for me: Find a way to achieve energy independence and end our reliance on foreign oil from unstable regions of the world. I am extremely disappointed that the Democrat leadership has chosen to pursue an energy bill that does nothing to achieve this goal and is simply a ruse perpetrated on the American people.

In the past, I have worked with colleagues on both sides of the aisle to promote alternative energy legislation. In previous Congresses, I have sponsored bills to offer incentives for the development of biodiesel and ethanol, to encourage investment in coal-to-liquid technology, and increase the use of renewable fuels. Each of these received bipartisan support.

I attempted to offer an amendment to this bill on an issue that has received bipartisan support, but it was refused. This is the sole piece of energy legislation in the 100-hour agenda, yet our party was not allowed even a single amendment. Why has this legislation not been an opportunity to discuss real solutions to our Nation's energy crisis? Why does this bill include no provisions to move our Nation away from oil use at all?

Why, Mr. Speaker? Because the majority doesn't want a real solution. They only want to stand here today and play politics with our Nation's future.

I truly wish this debate could have been about the virtues of developing alternative energies. Instead, this is a veiled tax hike to create what some may say is a slush fund for future use. This is unconscionable, and I urge my colleagues to vote "no" on this bill.

Mr. McDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, let's review the score. Big Oil, one; taxpayers, zero. But today we are about to even the score.

When he took office, President Bush said this country was in need of a comprehensive energy policy. He was right, and unfortunately we are still waiting.

We are still waiting because rather than a solution we got a \$14 billion taxpayer handout to oil and gas companies. Taxpayers were forced to pay twice, once at the pump and then again on April 15. At the same time, the five big oil companies made record profits of \$97 billion in 2006, and the taxpayers were asked to subsidize their industry.

Where are gas prices today? Almost double where they were when George Bush took office. Today, as we complete our first 100 hours, it is the beginning of clean energy and the end of dirty politics.

Just last week, my colleagues on the other side were saying that we were

subsidizing; that the private sector was working in the prescription drug area, and today they argue in favor of a \$14 billion taxpayer handout for big oil companies. I am proud the inconsistency doesn't seem to get in the way of a good argument.

I think this serves a fitting end to our first 100 hours agenda and the 6 in '06. Two weeks ago, we began the 100 hours by enacting the most comprehensive ethics reform since the Watergate era, and we end the culture of corruption where the special interests had a free rein in determining national policy. Nowhere was that corruption of the system more apparent than the handouts to the energy companies.

Mr. Speaker, for the past 4 years, I have come to this podium and said that that gavel was supposed to open up the people's House, not the auction house. Today, I proudly can say that we have given the people a voice, stood up to the special interests, and fought for hardworking families. The score is tied, and we are just getting warmed up.

□ 1345

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I now have the privilege of yielding 2 minutes to a distinguished and very articulate member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I agree completely with our Democrat friends: we need to invest more in renewable energy. It is the right thing to do, and it is long overdue. But doing it by taxing American energy companies more for exploring and creating jobs here at home makes no sense.

Let's be clear. This bill says, foreign oil and foreign jobs are good; American oil and American jobs are bad. And that is crazy.

The new House leadership may believe it scores in political points to target Texas energy companies and refiners, many of whom are union workers. But our communities don't think it is so funny and our union workers don't think it is so funny.

This bill punishes energy companies for doing the research that leads to successful wells. The old Tax Code had a perverse disincentive. If you failed in finding a successful well, you could write off expenses. If you are successful, though, we punished you for it. We changed that, because we think companies ought to do more research, not less, drill accurate wells, drill fewer of them, and have smaller footprints.

This provision is an anti-research and an anti-environmental provision. This bill declares energy jobs in America aren't manufacturing jobs. Under this bill, we treat energy workers, including high-paying union workers, as foreign workers. We treat our people as foreign workers. And farmers are manufacturers under this bill. Cartoonists are manufacturers under this bill. But those who work on oil rigs and refineries in Texas are foreign workers, and

we don't touch the foreign oil companies at all.

Ladies and gentlemen, this bill will not lower gas prices one penny. It won't lessen our dependence on foreign oil one barrel. This bill does not strengthen our energy security. Just the opposite. It does not deserve our support.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, after 12 years of failure to deal meaningfully with a comprehensive energy policy Republicans instead, gave this Congress and the American public a legislative grab bag. Today, under Democratic leadership, we are starting in the right direction to give conservation and energy choice, which Americans understand will take more than 100 hours, given the schizophrenic approach to energy by this administration and the previous Republican Congress.

We want to make sure, Mr. Speaker, that we are dealing with an overall framework to reduce greenhouse gases, to deal with carbon emissions, to provide predictability for all the players, whether they are people who are going to be dealing with alternative energy or they are the American consumer.

By eliminating unnecessary subsidies to form a fund to deal with alternative energy conservation and global warming is a terrific start. I am pleased that we are doing it at the conclusion of these first 100 hours and look forward to more in the months to come.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is now my privilege to yield 2½ minutes to a new Member of the House who I think brings a strong perspective on energy policy to this House, the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I appreciate the time today. This bill today is a disappointment to those of us who care about the goal of energy independence. This legislation sabotages the incentives with American energy companies to expand their drilling operations and undermines the opportunities to take advantage of our Nation's untapped resources.

American energy reserves are very real. The Bureau of Land Management recently estimated the United States territory contains over 2 trillion barrels of oil shale, 100 billion barrels of energy just alone on the North American slopes of Alaska, enough oil to trump Saudi oil by 10-fold. And it is our U.S. policies that keep us from accessing the U.S. reserves.

Ladies and gentlemen, when we import over 63 percent of our foreign energy supplies from foreign energy sources, who are, many times, not friendly to the United States, and spend almost \$300 billion of revenue in buying those foreign energy sources, it is both a national security threat and an economic threat to this Nation. That is why it is important that we

carefully review this legislation, that we look at all the ramifications of it, and that we work carefully together towards a process that will move us towards energy independence and also towards the exploration of renewable energy sources.

So, Mr. Speaker, I urge my colleagues to oppose this legislation that will undermine the goal of energy independence in the United States and, in doing so, also drains the resources of the average American. The solution to America's energy crisis lies in expanding our oil production capacity in the short term, while investing in the alternative energy sources in the long-term solution.

To subject new exploration to punitive taxes would surrender our role and our goal as an energy-independent Nation to the Middle East. And, Mr. Speaker, this logic is not an option for us at all.

There is no doubt that meeting America's energy needs is one of the most daunting challenge we face as a nation. It is not, however, an impossible challenge I believe as most Americans believe that this Congress can and must take steps towards making our Nation energy independent, so that America is not held hostage by the oil reserves of the world's most volatile regions. The path forward is clear—we must move towards energy independence by increasing domestic production of oil in the short term while we invest in alternative sources of energy in the long term. I agree with the concept of this bill but believe this path is the wrong answer. Instead of moving towards energy independence, this bill tightens the noose around our neck by making us even more dependent on foreign oil. Never before has it been clearer that we should not and cannot depend on the Middle East for our resources, and yet that is exactly what this bill proposes we do at the expense of our own national security.

Slowing down the production of American oil by instating an irresponsible tax increase also represents a grave economic threat to my State. Oklahoma oil and gas producers—large and small—will be hit hard by this. Make no mistake this legislation will cost Oklahoma jobs. This tax increase will mean less money for new production and ultimately less money in State revenue. We cannot today impose a tax increase which American workers will pay tomorrow at the gas pumps.

Mr. McDERMOTT. Mr. Speaker, I yield 1¼ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this legislation, H.R. 6, begins the process of weaning off of corporate welfare. This is the beginning of it, so you had better get used to it.

I am very shocked to hear what the opponents are saying to this legislation. Ensuring that oil companies actually pay their fair share in royalties is reasonable and prudent.

Why isn't this welfare looked at as our tax money that we provide for these corporations?

They don't need it. You know it, and I know it.

This bill will ultimately repeal approximately \$14 billion in oil subsidies

given to big oil companies and, most importantly, invest those funds, because the question has been asked on the other side, will this wind up in a slush fund. They cavalierly talk about that.

Specifically, if you read the bill, these funds will go to clean renewable energy and energy-efficient programs. This is critical. The bill creates the Strategic Energy Efficiency and Renewables Reserve, which will help accelerate the use of clean, domestic renewable energy resources, thereby reducing our dependence on foreign oil. And the case has been made over and over and over again this afternoon.

This is the beginning of real security for our country, Mr. Speaker.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time do we have remaining on both sides?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 10 minutes remaining. The gentleman from Washington has 14¾ minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in that case, I would welcome the opportunity to allow the gentleman from Washington to allocate some more time.

Mr. McDERMOTT. Mr. Speaker, I yield to the gentleman from New York (Mr. CROWLEY) 1 minute.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of H.R. 6, a bill that will finally put our Nation in the correct direction, a new direction towards weaning ourselves off the addiction of oil and gas. This bill is about the future of America.

In the 1960s, President Kennedy challenged our country to dream the unthinkable and to put a man on the Moon. While President Bush has talked about the addiction to foreign oil, the Republican view of the treatment is to continue to pass tax cuts for oil companies, instead of focusing on innovation and new sources of energy.

By this investing in new technology, we have an opportunity for a win-win situation, more energy independence and more jobs for American citizens here in America. Who could be against that?

Please pass this bill. Create a clean energy trust fund and free the resourceful minds of the most resourceful people on Earth today to do what Americans do best, to create and innovate.

We can kick our addiction to foreign oil, and the first step in this is to pass H.R. 6.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is now my privilege to yield 1½ minutes to a distinguished Member of the House, a leader from Tennessee, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I think we can appropriately dub this the Hold on to Your Wallet Congress. And today, the tax increase that is being passed is one that is being put on the energy that runs our cars and heats

our homes; and tomorrow, who knows? But hold on to your wallet, America, because they are coming for it.

Some of the previous speakers have said that they are trying to depict this bill as something that would be repealing subsidies to Big Oil and redirecting money to alternative energy. Both are false. Those are false premises. Even The Washington Post, the Wall Street Journal, and the Washington Times don't agree with this bill. They know it is going to raise prices at the pump, punish domestic production, run up the cost of energy on manufactured goods, all of it being done at a time when we are supposed to be weaning off foreign sources of oil. And this bill is going to do exactly the opposite.

There is nothing in the bill that would guarantee that the increased revenues would be spent on alternative energy. While a new reserve is created, it does not have one single enforcement mechanism. In other words, the increased revenues could, in reality, be directed to any Federal discretionary expenditure without penalty, growing the government.

It is the classic bait and switch. It is an energy tax on hardworking Americans with no guarantees for alternative energy.

I will not be a part of the bill, and I urge my colleagues to vote against H.R. 6.

Mr. McDERMOTT. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, I rise in strong support of the CLEAN Energy Act. This plan will lead the Nation in a new direction on energy policy.

The United States imports 65 percent of the oil we consume. We spend \$800 million every day on foreign oil-producing countries. This threatens our economic stability, our environmental security, and our national security. And today we say, enough.

Today we roll back the Republican-led Congress's giveaways to the oil industry. We stop rewarding the oil companies with taxpayer dollars; and, instead, we start to turn our attention to energy independence in this country.

We will invest the revenues, \$14 billion, to put this Nation on the path to energy independence and environmental security. We will reduce our energy consumption by encouraging the development and construction of energy-efficient buildings and consumer appliances and motor vehicles; and, most importantly, we will advance our energy independence by using these revenues to research. We are going to use this money to research and develop and bring to market the alternative sources of energy for a safer, cleaner, cheaper and American-made energy alternatives. We set this country in a new direction.

I wholeheartedly encourage a "yes" vote in doing that today on the floor of Congress.

PARLIAMENTARY INQUIRY

Mr. NUNES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NUNES. Mr. Speaker, I need some clearance on this. In this trust fund that is created, is clean coal or coal an option as a possibility to use this trust fund?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NUNES. Well, I am trying to get clarification on the language in the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NUNES. Well, Mr. Speaker, maybe it is better addressed to the majority party and the author of the bill.

The SPEAKER pro tempore. The gentleman would better address what he is raising in the debate on the bill.

□ 1400

Mr. ENGLISH of Pennsylvania. Mr. Speaker, may I yield the gentleman from California 30 seconds to do that?

Mr. NUNES. I would ask Mr. McDERMOTT, or the majority party, could you clarify if this trust fund can be used for clean coal technologies, since the United States is known as the Saudi Arabia of coal?

Mr. McDERMOTT. The gentleman raises an interesting possibility, and the legislative process will move forward. There will be bills put into the Congress and this will be discussed.

What we are doing today is creating a fund from which proposals can be funded.

Mr. NUNES. Reclaiming my time. I think the answer is—

The SPEAKER pro tempore (Mr. OBEY). The gentleman's time has expired.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, at 3 o'clock in the afternoon this debate can sound a bit technical to people, so let me put it in very plain English. We are saving \$14 billion in United States taxpayer dollars. That is an important change in values in this institution because the last Congress, when they wanted to save money, here is how they did it. They decided we will save \$8 billion by going to young adults in this country and saying, you know what, we are going to change the rate of interest on your student loan and you have got to pay more money every month. They decided at one point they will save \$3 billion by saying to working class families who struggle to have health care, you have to pay more premiums now to go to the doctor. That is how they saved money in the old Congress.

A lot of issues at stake today, Mr. Speaker, but this is the most important one. There is now a new set of values that runs this institution. We no longer ask the least of us to sacrifice, because guess where we are getting

this \$14 billion from? From companies who at their best average around \$15 billion a year in profit after their liabilities. That is a much more equitable way to do it. That is, in major measure, why this side of the aisle sits in the Speaker's chair today and not our opposition.

Mr. ENGLISH of Pennsylvania. I yield myself, Mr. Speaker, 15 seconds simply to point out to the last gentleman that all they are really doing here is moving forward in some leasing policies that are similar to what Congress has passed before, or at least the House has passed before. And beyond that, they are raising taxes, not saving money. That is going to be felt by consumers across the spectrum.

Now, Mr. Speaker, I would like to yield 2 minutes to a distinguished member of the Pennsylvania delegation who has been a strong advocate for new exploration in the United States, the gentleman, Mr. PETERSON.

Mr. PETERSON of Pennsylvania. To those that propose this bill, I want to tell you I support a large fund for renewables. I am for all renewables. But why did you choose to tax American-produced oil and gas and not tax foreign oil and gas? When you tax our production, you will have less of it, when you tax their production, you would have less foreign. You have stacked the deck. It is already cheaper to produce foreign energy than it is American energy. We have locked up so many of our fields, and where in old tired fields the cost of producing has increased, the incentive to go in deep water because it cost so much companies wouldn't go there, and we couldn't even get there.

In 10 years since I have been here, we have increased foreign oil from 46 percent to 66 percent. Why is foreign energy taking over? Ninety percent of the land in this country available for oil production is government land, and this Congress has been locking so much of it up.

I totally agree with a large renewable energy fund, but instead of increasing the cost of producing energy in America, open up new fields. The Outer Continental Shelf is our greatest untouched area. We are the only civilized country in the world that doesn't produce there. Everybody produces there. It makes no sense for us not to be there. We haven't even allowed seismic testing to find out what is there because we might produce it.

Locking up supply by this Congress in the past, by Congress and by those proposing this bill, is why four of the oil companies are making huge profits. When energy usage is increasing more than renewables can increase, you need more oil and gas. And when you need more oil and gas and you lock it up, you give those who have purchased the rights to it all over the world, their \$30 oil becomes \$60 oil becomes \$70 oil, that is where their huge profits are. It is the Congress of the United States that has rewarded Big Oil with increased profits.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentleman from Washington; I would like to ask him a couple of questions.

It is my understanding that this legislation will save the American people billions of dollars. Will those savings be put into a fund?

Mr. McDERMOTT. Yes. The bill before us directs some of the subsidies we currently give to Big Oil into a new fund which is created by this bill called the Strategic Energy Efficiency and Renewables Reserve.

Mr. PERLMUTTER. Can you explain what the goal of this fund will be?

Mr. McDERMOTT. The purpose is really this, to accelerate the use of clean domestic renewable energy and to promote energy efficient products and conservation; and furthermore, we want to spur research, development and deployment of clean renewable energy.

Mr. PERLMUTTER. Mr. Speaker, I think that is great news for America because it is going to change our energy priorities and bring a new direction for this country. It is especially good for Golden, Colorado and Colorado because we have the preeminent research facility in America in the National Renewable Energy Lab.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my intention to reserve the balance of my time until the end of debate and after the other committees have used their time.

Mr. McDERMOTT. Mr. Speaker, could you tell us the amount of time that we have left?

The SPEAKER pro tempore. The gentleman from Washington has 10½ minutes remaining. The gentleman from Pennsylvania has 5¾ minutes remaining.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Mr. Speaker, it was just about a year ago that the President of the United States came before this Congress and told the country that America is addicted to oil. He was right then and many of us were pleased to hear him acknowledge that very real fact. However, even as we all acknowledge the seriousness of the energy challenge we face as a Nation, the President and the last Congress failed to actually do something about it. We heard great words, but didn't see good deeds. In fact, rather than invest adequately in renewable energy and energy efficiency, we took the opposite approach. We gave greater breaks in taxes to the oil and gas industry even as prices at the pump went up and profits soared. That policy only served to feed the addiction to oil, not break that addiction. It made us more dependent, not less dependent on oil and gas and the volatile regions of the world that control the greatest reserves.

This is a time to change direction, to set a new course on energy policy, to say to the country: We're not just talking rhetoric. We mean what we say.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I have been listening to this debate. It is, like all debates, interesting. Yesterday we had a debate, a relatively extended debate, in which Republican after Republican rose and said, This bill does not do enough. In this instance, it does not bring us full energy independence. That is obvious. But person after person got up and said, We're not doing enough for students, we're not doing enough for college aid, and then, lo and behold, the vote was taken and 356 people out of 435 voted for that bill, including 124 Republicans. We are not doing enough in this bill, that is clear, but the journey of a thousand miles, as has been observed, starts with a step.

Another individual got up, and then I will go to my remarks, and talked about the Washington Post editorial. An interesting comment that she made. I don't think she had perhaps read all of the editorial because the editorial said this:

"The good part of the bill revokes tax breaks for oil and gas production in the United States that should never have been granted."

I believe in the free market system. What is the free market system? If you have a demand for a product and you can get a good price for it, you produce it. That's supply and demand. In point of fact, the price of the product has gone up and up and up. I do not criticize the oil companies for wanting a tax break. We all want tax breaks. What I criticize is the Congress of the United States for not making a judgment on behalf of the American people. That is who I criticize. The actions taken in the ETI bill were wrong.

Mr. Speaker, one of the lessons that most of us learn early on is to study history so that we can avoid making the same mistakes of the past. A generation ago, this Nation faced a series of crises born of an overreliance on foreign oil. Prices spiked and supplies were rationed. It took work, but Congress and the President acted to combat that dependence and ushered in a wave of new technologies, conservation and efficiency improvements that have saved untold billions of dollars and barrels of oil and greatly enhanced the Nation's economic performance and national security.

Unfortunately, in recent years, however, we seem to have forgotten that time period. The economy grew, the price of oil waned and we forgot the lessons of the past and abandoned the progress toward a more fuel efficient existence. Mr. Speaker, crises at home and abroad have changed that, changed it dramatically, and we find ourselves once again increasingly reliant on for-

eign oil. And drilling for more oil and gas alone is not the solution. Mr. BARTLETT said that earlier today. Oil is a wasting resource. What wasting means is it is going to go away. I have a great-grandchild, unlike some of you who are much younger than I am. She may not use oil. It may not be available for her.

Today, we will pass the last of the bills that we promised the American people we would undertake at the beginning of this Congress. This legislation is but a first down payment on the promise of a new energy future for our country. This bill is not about punishing one sector of industry, nor does this bill represent the totality or even a substantial component of our energy policy, as evidenced by the Rural Caucus's biofuels energy package, Speaker PELOSI's innovation agenda, and the PROGRESS Act, which I, along with 129-plus Members of this body in the last Congress, introduced. However, the CLEAN Act starts to move our Nation in a new direction. It is about the focus of precious taxpayer dollars and the future of our country.

The oil and gas industry is extraordinarily well-established and well-off. I applaud it for being so. It does not need the American taxpayers' help to be successful or to make a dollar. There is not an American who goes to the gas pump that doesn't know that. Even President Bush, a former executive of an oil company, agrees that the industry does not need additional government subsidies when prices are this high. But our future energy resources do need help to get started. Renewable energy, alternative fuels, conservation and efficiency programs are underutilized in our effort to wean our Nation off our dependence on foreign oil.

The money saved by this bill will be spent on our energy future and set aside to, among other things, accelerate the use of clean domestic renewable energy resources and alternative fuels; promote the use of energy efficiency practices and conservation; and increase research, development and deployment of clean renewable energy and energy efficiency technologies.

By acting now to take this small but significant step to move toward making America energy independent, we have the opportunity, ladies and gentlemen of this House, to leave future generations a lasting legacy that makes our Nation and our world a better place. The legislation is a good first start in that effort.

I urge my colleagues to support this legislation.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in response may I yield myself 15 seconds, simply to point out to the majority leader that he is terribly mistaken if he thinks he is repealing a special tax break. In fact, oil and other energy production was treated the same way under the tax bill that was passed as all other manufacturers, and this differential treatment is one of the reasons why the National Association

of Manufacturers so strongly opposes this bill. This does not fulfill any of their commitments on energy any more than the underlying rule fulfills their commitment to an open process.

□ 1415

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, my constituents, like yours, paid over \$3 a gallon for gas last year. Isn't that enough? Do they really need to be paying a second time with their tax dollars?

Last year, Big Oil saw higher profits than any industry in the history of the world, yet we are writing them welfare checks. The United States is 65 percent dependent on foreign oil, worse than we have ever been before, sending \$800 million a day to the Middle East. This situation creates conflicts of interest in crucial matters of security and diplomacy whereby we, the United States of America, are beholden to nations who do not represent our best interests. Still, we are cutting a welfare check to Big Oil.

When we embrace the wave of the future and dedicate ourselves to developing alternative, renewable, clean more-affordable energy sources, America will create more than a quarter million new jobs, generate \$30 billion in new worker wages, and finally stop funding both sides of the war on terror.

Despite all that, we are still using taxpayer dollars to hand a huge welfare check to billionaire oil companies. The CLEAN Energy Act takes the crucial first steps to ending this policy, and I urge my colleagues to support it.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentlelady from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I had prepared remarks, but I am going to set them aside and submit them for the RECORD, because as I was listening to the debate, I couldn't believe my ears as speaker after speaker on the other side of the aisle came up and attacked this relatively simple piece of legislation, talking about how it doesn't go far enough and it doesn't do this and it doesn't do that, when they have had at least 6 years to actually do something about the energy crisis in this country.

When they had the opportunity to do something, they came up with that god-awful 2005 energy bill, where 93 percent of the tax subsidies went to oil, gas and nuclear, and only 7 percent went to alternative energy sources, so that we could develop these alternative energy sources, harness the Sun, wind, Moon, not the Moon, although maybe if we had enough money, we could try that too, geothermal, all of these possible alternative energy sources. And what did they do? Seven measly percent of the tax subsidies went to that.

I would suggest that we have a golden opportunity to do something, and I

urge all of my colleagues to support this legislation. It is a good first step.

Mr. Speaker, in 2005, Congress passed energy legislation intended to promote secure, affordable and reliable energy. This was an important goal, because many of us realized that to keep our Nation safe, we must break our dependence on foreign oil.

Unfortunately, instead of focusing on the promotion of clean, renewable energy sources, the 2005 energy bill gave substantial subsidies to the oil and gas industry. I voted against this bill because it made no sense to give incentives to an industry that was enjoying record profits.

Today, oil and gas companies continue to rake in high profits while Congress fails to offer substantial incentives to alternative energy investors. In the absence of effective federal policy to promote investment in renewables, many states have passed their own incentives.

In my home state of Nevada, the legislature has required that by 2015, 20 percent of power sold to Nevadans come from renewables. Nevadans are already seeing results from this mandate—last June, construction began in Las Vegas on the largest solar power installation in the country built by a public agency, and five other solar projects are planned for southern Nevada.

I am supporting H.R. 6 today because it is a great first step toward securing energy independence. In the last Congress, I introduced a bill to promote renewable energy production, and I reintroduce this bill in the 110th Congress. We are far from being energy independent, but today's bill is a good place to start, and I urge my colleagues to support its passage.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MEEK).

(Mr. MEEK of Florida asked and was given permission to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Speaker, it is very important that we listen to the debate that is taking place here on this floor. Some of it is true; some of it is fiction. I think it is very important to understand that \$14 billion is going to go into a place that is going to help us to be able to have the kind of energy we need in the future, to be able to invest in the Midwest versus the Middle East.

But I was just on the floor last night talking about something that the American people want even more than what we are doing here in this debate here on the floor, because a lot of things are being said here, but they want bipartisanship, and they have had it over the last 2 weeks. And I think the Republican leadership is a little afraid of the fact that their Members are voting on behalf of the American people. So they want to stand in front of the door of the House and say how bad it is.

But when the board lights up here, Members have a choice: do they want to vote on behalf of their constituents and making sure that we have the kind of future here in the United States, or do they want to vote on behalf of the special interests and the status quo for breaks to big oil companies that they didn't even ask for.

I think we are moving in the right direction with this legislation. This is just the beginning of us working together in a bipartisan way, and I look forward to moving in that spirit, Mr. Speaker.

The SPEAKER pro tempore. Each side has 5½ minutes remaining.

Mr. McDERMOTT. Mr. Speaker, I reserve the balance of my time until the end of the debate.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, as I indicated before, I reserve the balance of my time until the end of debate and after other committees have used their time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we know, the House is considering a part of the 100-hours agenda, H.R. 6, the Creating Long-Term Energy Alternatives for the Nation Act.

This legislation seeks to end the unwarranted tax breaks and subsidies which have been lavished on Big Oil over the last several years, and done so at a time of record prices at the gas pump and record oil industry profits.

Big Oil is hitting the American taxpayer not once, not twice, but three times. They are hitting them at the pump, they are hitting them at the Treasury through the Tax Code, and they are hitting them with royalty holidays put into oil in 1995 and again in 2005.

Meanwhile, our people back home stand in their work boots pumping precious, costly gas into their tanks, while energy lobbyists have scuttled about in Armani suits wanting more.

Indeed, over the last few years we have suffered an unprecedented assault on America's resources and on American taxpayer pockets under the guise of contributing to our energy security. It almost seems like Albert Fall's ghost walks the halls of the Interior Department.

Now, as you remember, Fall was the Secretary of the Interior who embroiled the administration of Warren Harding in the infamous Teapot Dome scandal. Without competitive bidding, Fall leased the Federal oil reserves at Teapot Dome and the Naval oil reserves at Elk Hills in exchange for \$404,000 in gifts from the oilmen. In those days, that was a hefty sum of money, but a princely sum back in 1992.

Today, we have a situation at the Interior Department where the OCS oil and gas leasing program is hemorrhaging money as a result of unwarranted royalty relief, royalty underpayments, inadequate audits and potential fraud. The GAO and the Interior Department's Inspector General, Earl Devaney, in particular, have issued scathing reports on these matters.

Last year, in testimony before the House Government Reform Committee

hearing on the bureaucratic bungling of oil and gas leases, Devaney went so far as to say: "Simply stated, short of a crime, anything goes at the highest level of the Department of the Interior."

This is no small matter. These are public resources. The names of every American are on the deeds to these public lands and waters where these drillings for oil and natural gas take place. Royalties from this production contribute a significant amount to the Treasury, nearly \$8 billion in the last fiscal year, and it would be more if it were not for all the mismanagement at the Department of the Interior.

The pending legislation represents the beginning of the exorcism of Albert's Fall's ghost from the Interior Department by dealing with one egregious aspect of the OCS leasing program. I can assure my colleagues that the Natural Resources Committee will follow up with aggressive hearings into other areas of this program in the near future.

The situation that we seek to address in the pending bill, of course, harkens back to the Deep Water Royalty Relief Act of 1995, which Congress passed over the objections of many on this side of the aisle. That act sought to encourage oil companies to drill in the Gulf of Mexico by allowing them to avoid paying royalties on oil and gas production of publicly owned resources.

As many of us warned at the time, this was nothing but an unwarranted giveaway of public resources, paying the companies to do what they would do anyway, drill for oil. To make matters worse, the Interior Department botched the administration of the law. They failed to include provisions in leases issued between 1998 and 1999 to cut off royalty relief when market prices are high. In other words, these leases did not contain any threshold, any threshold, for when royalty relief would kick in. According to GAO, the failure to include price cutoffs for royalty relief in the 1998-99 gulf leases could cost the Treasury up to \$10 billion. H.R. 6 would fix these abuses.

The bill would establish thresholds in the 1998-1999 leases for royalty relief. The holders of these royalty-free leases would be required to either agree to negotiate with the Interior Department to pay royalties when market prices reach those thresholds, or pay a new conservation resource fee established in the bill. In addition, H.R. 6 would impose an annual per-acre fee on non-producing OCS oil and gas leases. According to CBO, these provisions would raise \$6.3 billion over 10 years, money that could be used to finance renewable and alternative energy initiatives.

There are two items that I would like to emphasize with respect to these provisions. First, this legislation is not violating any contractual arrangements. The leases in question were issued with a clause that allows the Federal Government to impose new requirements on them in the future, such

as the conservation resource fee being proposed in this bill.

Second, the House is already on record as supporting provisions of this nature. Provisions of this legislation as they relate to the OCS leases have been addressed by amendments offered in the past by MAURICE HINCHEY, ED MARKEY, RON KIND, and RAÚL GRIJALVA over the years. Further, the Jindal-Pombo OCS leasing bill that passed the House last year also included the imposition of a fee on the 1998 and 1999 royalty-free leases. So I would point out that none of the oil companies complained about their contracts being violated at that time.

Finally, H.R. 6 would repeal the extension of the original 1995 royalty relief provision that was contained in the Energy Policy Act of 2005 and also reform several other royalty relief and special benefit provisions in that law. Amendments offered in the past by RON KIND and RAÚL GRIJALVA over the last two Congresses to various of our energy legislation attempted to strike these provisions.

So now, as I conclude, Mr. Speaker, it is time to stand up and be counted: to vote for the integrity of America's resources, to vote for the end of corporate welfare, to vote for a new dawn, a new era, in the management of our public energy resources. And that is to vote for H.R. 6.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will join with the distinguished chairman in bringing actions to terminate employees who are incompetent in the Interior Department and bring legal malpractice actions against those firms negotiating for the U.S. Government and creating the problems.

Mr. Speaker, I yield such time as he may consume to the ranking member of the Resources Committee, the distinguished and honorable gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I thank the ranking member of the committee.

Mr. Speaker, I would say to my dear colleagues, just about 100 hours ago you stood in this House and raised your hand and you followed this quote with an "I do": "Do you solemnly swear you will support and defend the Constitution of the United States against all enemies, foreign and domestic."

This bill, and I am wearing this red shirt today, is the color of the bill that we are debating, communist red. It is a taking. And regardless of what one says, it will go to court, and it should be decided in court. It should be decided there.

My biggest concern, it is often said the road to hell is paved with good intentions, and this is a great example. The good intentions of this bill are a

pursuit of new forms of energy to replace our dependency. We all support that.

But even The Washington Post, which is not my favorite newspaper, says this is a low-wattage bill and it fits the realm of Russia and Putin, and it fits Bolivia and Venezuela. And if there is anything this bill will do, in fact it will increase the competitive edge of foreign oil imported to this country. That is what this bill does.

□ 1430

I ask my colleagues, if the problem is foreign oil, and it is, why increase taxes and make it harder to produce American oil and gas? That makes no sense to me.

I had a motion to recommit and I cannot offer it, but I wanted to take and strike everything after the enacting clause and insert taxes on all foreign oil imported. That would raise your money for renewable resources.

But what we are doing here today is taxing our domestic oil. We are raising dollars supposedly for renewable resources, yet we are still burning fossil fuels.

This is really a San Francisco energy policy, and America is not San Francisco.

My State gets 85 percent of its budget from oil production. I am proud of it and I hope we get more. The pipeline we want to build for gas to deliver the oil to the lower 48 will cost \$20 billion, and this, by increasing taxes and taking away the incentives, which this bill does, raises the question of whether we can finance this pipeline, which we all need.

We talk about Joe Blow and all the rest of these people in the smaller income brackets and get the big old oil companies. The reality is if this bill was to become law gas would go to \$5 a gallon.

Everybody talks about Big Oil and how much profit they made. These international companies are making that profit overseas shipping the oil to the United States.

If you want to do this right, then let us tax the foreign oil. Let us not tax the American oil. Let us not hurt our little companies, which this bill does. Let us not discourage what I call the frontier areas. Let us help American oil to deliver oil to the American people and quit paying the money to the foreign oil companies, and that is what you are doing.

Mr. RAHALL. Mr. Speaker, I say to the gentleman from Alaska, I welcome him as the ranking member of the Natural Resources Committee. I am sure it will be a good year ahead. I look forward to working with him.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA), a member of the Natural Resources Committee, a gentleman to which I have already referred in my opening remarks and a leader on this issue.

Mr. GRIJALVA. Mr. Speaker, in 2005, during the debate on the energy bill, I

asked my colleagues to strike down provisions that amounted to more corporate welfare for oil companies. At that time the Republican majority voted down that amendment.

Now, as news reports continue to mount regarding the billions of dollars in profit oil and gas companies are reaping we have to look seriously at that policy. Why should the American taxpayer continue to shell out subsidies to oil companies when clearly they need no incentives to drill?

Moreover, why are we still allowing them to drill in our public lands and waters for free because of some mistakes made in the 1990s during the leasing process?

Had the President and his appointees acted when this was discovered, it would have saved taxpayers upwards of \$1 billion that has already been lost. Instead, they have deliberately ignored and covered up this problem.

We must send a message that the American taxpayer will no longer be ripped off by Big Oil.

But ending this fiscally ridiculous practice of subsidies for megarich oil companies is not enough. We also need to make a clean break from the past and take a bold step into the 21st century.

Global warming is upon us. We need clean renewable fuel, and we need it now. It will be a tough transition but we have to start right now. We are ready for this challenge. We have the know-how and a highly skilled workforce, and we will create millions of new jobs in the process.

In the strongest way possible, I urge my colleagues to vote "yes" on H.R. 6, a hometown American energy bill that helps and protects the American taxpayer.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong opposition to H.R. 6, legislation that puts America's independent energy producers at risk and increases America's dependence on foreign oil.

This bill unfairly punishes offshore oil and natural gas companies who signed leases with the Federal Government in 1998 and 1999. These leases, due to a mistake by the Clinton administration, did not set price thresholds for royalty incentives. The bill requires all companies to renegotiate these leases, even though they were fairly signed in the first place.

The companies who entered into these agreements cannot be blamed for the Federal Government's mistakes. The contracts signed by the Federal Government and energy producers are legal and binding, regardless of the mistakes of the Federal Government in drafting them. In addition, a fair version of this provision was included in the Republican Outer Continental Shelf drilling bill that was adopted last year.

We talk about this and I think this is a national security issue. Right now we

should be encouraging domestic production here in the United States of America, and we are not.

We get 60 percent of our oil from foreign sources, and a lot of that oil that we are getting is from areas that we are at conflict with or we have carpet bombed recently. I think it is asinine we are not doing all we can to spur domestic production here in the United States and not penalizing companies for doing such. It is absolutely ridiculous.

Not only are gas prices low right now, in Tulsa where I am from it is below \$2 a gallon when I left this past week, but also crude oil prices are as low as they were in 2005. They are going down.

All this legislation will do is increase gasoline prices at the pump to upwards of \$5 a barrel. What we need to be working on is a comprehensive energy policy in this country that will actually get prices down by not only spurring domestic production but also working on getting more refining capacity in this country.

We are operating at 100 percent capacity right now. We need to be expanding, building five or so additional refineries in this country. And we can do it in an environmentally sound way.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, well, who would have ever thought that the Republicans would be defending welfare queens on the floor of the House of Representatives, but they are.

Lee Raymond, just-retired CEO, ExxonMobil, \$400 million, part of it in tax subsidies, part of it in royalty forgiveness, and part of it gouging consumers at the pump. But they are standing up here today to defend poor little ole Lee Raymond with his \$400 million pension and ExxonMobil, his company, that only made \$29.2 billion last year, the largest corporate profit in the history of the world.

They need those subsidies or they will not go out and explore for oil, the Republicans will tell us. Here they are defending welfare queens, subsidies to the most profitable industry in the world. It is sad to see the Republicans come to this.

Now, they laughably say this will lead to higher prices. Oh, higher prices, unlike the price gouging after Katrina where gasoline went over three bucks a gallon in Oregon and we do not even get any supply from the eastern United States? Or the price gouging that goes on day in, day out? The price fixing that goes on day in, day out in this industry? The collusion between the American companies, the foreign companies operating in America, and the OPEC cartel to drive down the supply, to drive up the price, which gives them an excuse to go even higher at the pump?

What about a trade complaint to the WTO? No, the Republican administration does not support that, but George

Bush does support two provisions of this bill, saying those are tax breaks that are not necessary to the oil industry. The oil man in the White House says the oil industry does not need this, and the Republicans are down here fighting hard to preserve it, to drain money from the taxpayer, to not take royalties. Unlike any other owner of public resources, the United States would be the only one not to take royalty.

Now, they talked about communism. That would be communism if we did not get a fair return for our taxpayers, if we did not get a fair return for depleting our resources.

Pass this bill and begin to turn back the inordinate influence of Big Oil on this government.

Mr. PEARCE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to bring a couple of points up on this in response to the gentleman who was just making the points.

First of all, we talk about the \$440 million that the head of Exxon makes. If we divide out the numbers of millions and billions of dollars that Exxon pays out to shareholders and compare it to Tiger Woods, for instance, Tiger Woods made \$25,181 a stroke. Shaquille O'Neal made \$18,300 per minute that he played. A-Rod made \$180,000 per run batted in.

And the people who provide gasoline and oil at the price, \$3 for gasoline, you will pay more than \$3 for this fingernail polish that comes out to \$25,000 per bottle. This bottled water is over \$400 per barrel, and it does not require an investment in an operation like this. These offshore platforms are over \$1 billion investment, and you are saying that oil is overpriced and we are gouging the American consumers. Next, you should go after bottled water and after fingernail polish because this is \$25,000 per barrel.

We need to understand that it takes a lot of investment to put gas in the pumps. It cannot be done. I have heard today that we are going to provide wave energy. Wave energy on our F-16s, I can just imagine it now. The investments to power this Nation are extraordinarily high, and we are not overcompensating the companies that do that.

Mr. Speaker, I reserve the balance.

Mr. RAHALL. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. GENE GREEN), a gentleman with whom we have worked with on this legislation in good faith and appreciate his leadership and input.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the chairman of our Natural Resources Committee.

Mr. Speaker, most Americans believe that dependence on foreign oil is a problem and alternative energy sources deserve our support, particularly after 9/11. The recent election season saw such high consumer gas prices and high anxiety about energy security.

But let us look at another industry. Very cold weather in southern Cali-

fornia is causing loss of fruits and vegetables, and ranchers in the Midwest are losing cattle because of the cold weather. The farmers and ranchers who still have crops and livestock stand to make a lot of money from the price spikes that we are seeing literally as we stand here on the floor today.

Are we blaming those farmers and ranchers for the high prices? Are we going to cut farm benefits and raise taxes on the farmers? No.

But for some reason when we have cold winters and hot summers and hurricanes in the gulf that raise gas prices, we all get mad at energy suppliers. It is the easy way out to get mad at the industry, since most of our country just uses energy and does not produce it.

We have a budget deficit, and funds for new alternative energy programs are in short supply. So industry is being targeted for this purpose.

I understand why my colleagues are choosing to do this, but this plan carries a significant risk of being counterproductive, especially in the near future.

H.R. 6 exempts the oil and gas industry from a recent manufacturing tax benefit, cuts geological expense to major energy producers and requires new payments on 1998-1999 offshore leases to make up for serious government errors in the original contracts.

These provisions raise \$14 billion over 10 years for clean alternative energy programs that Congress will establish through regular order. That is why I support this bill. That \$14 billion will be used for alternatives through the regular order of this Congress, through our committee process.

These tax provisions reduce incentives for domestic production and could increase dependence on foreign oil and LNG which hurt national security.

With current high oil prices, we may not miss these incentives as much if prices were low, but the effects could be very real in the long term.

However, the 100 hours energy bill is a compromise within the Democratic Caucus to promote alternative energy. For the first time in my years in Congress, the Democratic leadership included the Members from energy producing States in the process.

The section 199 tax provision is most unfair because it singles out oil and gas as ineligible, as compared to other manufacturing operations.

The main royalty provision is based on the Jindal-Pombo bill that House Republicans overwhelmingly supported a few months ago in June.

I am also very concerned about the effects of the provision on contract certainty in U.S. oil and gas leasing, but for better or worse, there is a consensus among both parties to address this 1998-1999 lease issue.

While this bill is a far cry from my preferred energy policies, the Democratic leadership has been narrow and targeted.

After extensive discussions between our office and other Members' offices

from oil and gas producing States, this bill does not include more punitive measures that seek to alter long-standing oil and gas tax or accounting treatment that could destabilize our Nation's gasoline supply even more.

We do not repeal the refinery tax provision or the deductions for intangible drilling costs. We also do not eliminate LIFO accounting, impose a windfall profits tax, or repeal of natural gas distribution line depreciation.

Mr. Speaker, as a result and the good faith we have had in this 100 hours agenda, I am voting for the bill.

Before I close, I have two messages. First, you cannot hit an industry for \$14 billion and go back time and time again.

And my second message is to the oil and gas industry. With the recent November elections, this bill should be a wake-up call to explain energy issues to Democratic Members who may have been ignored in recent years.

We also do not eliminate LIFO accounting, impose a windfall profits tax, or repeal of natural gas distribution line depreciation.

As a result, and as a show of good faith during this critical 100 hours period for our new majority, I am voting for this bill.

Before I close I have two messages, and the first is for the Democratic Caucus—when you hit one industry for \$14 billion, you cannot go back for more later and expect enough gasoline in your cars and fuel to heat and cool our homes.

My second message for the oil and gas industry—the recent November election and this bill should be a wake-up call to explain energy issues to Democratic members that they may have ignored in recent years. We are going to need those members to prevent additional legislation of this type.

□ 1445

Mr. PEARCE. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, it is evident in the Democrats' energy bill, to gain and achieve energy independence they are not using any coal in this country. And I hope that the majority party from the Resources Committee can answer at some point during this debate why clean coal and coal-to-liquid technology is not included as a possibility to achieve energy independence. That question needs to be answered before the American people on the House floor before this debate ends.

Mr. RAHALL. Mr. Speaker, if I understood the gentleman's question, he is asking why we are not using more clean coal.

Mr. NUNES. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. Yes, to get a clarification of your question to me.

Mr. NUNES. The trust fund that you guys are creating in this bill prohibits clean coal and coal-to-liquid technology.

Mr. RAHALL. Mr. Speaker, reclaiming my time. The gentleman is inaccurate. The fund created would allow for the development of renewable and

alternative fuels. And as far as the lack of clean coal technology in the past, it is because Congress in the past energy bills has never gotten serious about clean coal technology. Lip service, yes. Authorizations to go fish, yes. But hard-core appropriation dollars for clean coal technology, no. Thanks to my senior colleague in the other body, yes, we did that, but not through any actions of energy policy acts of this Congress in the past.

And, besides, how can we get anything from coal when we are so addicted to the oil diet? Because we give tax incentives and royalty holidays and other grants to the oil industry without any mention of coal in these pieces of legislation.

I would say to the gentleman from California we have joined in the past in cosponsoring legislation that would help coal liquefaction.

Mr. SHIMKUS. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Illinois.

Mr. SHIMKUS. And I appreciate it. I know the gentleman is a big supporter of coal. And we did bring to the Rules Committee an amendment that would amend the language in this bill to allow some of this money to go to contract with the Department of Defense so they can move on coal-to-liquid provisions.

You know there are really three avenues to expand coal-to-liquid technology: one is forward contracting for the Department of Defense; one is a tax provision; and the other one is a collar provision that we are working on. And if we could have gotten some provision in this bill, because there is going to be money available to move directly, we have got to get that first coal-to-liquid plant built, then the others will come. And I think that is what our disappointment is.

Mr. RAHALL. I understand the point that the gentleman from California raises, and it is not one with which I disagree. If I might say, in due process, in due time that will be considered by this Congress. I have no question about it. This bill is not a comprehensive energy bill. Nobody is out here touting it as such. That is to be addressed later. This is part of our 6 for '06 agenda; it is to get us started in the right direction, and my agenda on the Natural Resources Committee will go much further than this, not only hearings on our bills and legislation, but extensive oversight over the entire oil and gas leasing program both offshore and onshore.

Mr. SHIMKUS. And if the gentleman would yield, I know you are a big backer of coal, and I do look forward to working with you. This is our window of opportunity to really exploit coal-to-liquid activities, and we are disappointed now. We hope that we can recover later on in this debate.

Mr. RAHALL. I say to the gentleman, please be patient. We didn't get in this mix in 100 hours; we are not going to get out of it in 100 hours.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, today we really do begin America's clean revolution in this bill. Every revolution has a beginning. The American Revolution began at Concord; the aerospace revolution began at Kittyhawk; and America's clean energy revolution begins today with this bill. And years from now when we have licked global warming and we have achieved energy independence, we will look back to this day as the first step on the road to clean energy for America.

Today we are going to break the shackles of oil and gas. We are going to free Americans to invent, to innovate, to create the clean technologies we need in energy. This is only common sense.

We pay once at the pump for gasoline already. We shouldn't have to pay again on tax day on April 15 to line the pockets of the oil and gas industry. It is common sense.

Our national resources should be going to the innovators who will lead us in energy in the 21st century, rather than to those who have kept us in serfdom to the oil industry, an industry of the 19th century. Change is afoot starting today.

Now we are going to unleash the talents of the Nanosolar Company in California. It is perfecting thin cell solar cells. We are going to empower the Ocean Power Technology Company that is perfecting wave energy, enough wave energy off the California coast to light the entire State. We will get loan guarantees to the Iogen Corporation, which is going to build the first cellulosic ethanol plant in the Western World in Idaho starting today.

Today we recognize that the solution to our energy challenges is not below our feet in the ground. It is above our shoulders in our brains, and we are going to unleash the intellectual talents of America to see that that happens.

I will be introducing again the New Apollo Energy Project bill, which will marshal our Nation's talents, just as John Kennedy marshaled our national resources in the original Apollo Project. Today is the first step of the new Apollo Energy Project. Tomorrow I will introduce the Plug-In Hybrid Bill, a bill that will hasten the day when our cars are powered on clean energy, clean electricity, and clean biofuels so we can get our energy from Midwestern farmers rather than Middle Eastern sheiks.

These are just two of the many steps on this long road of the clean energy revolution; and there is no silver bullet to our energy challenges, but there is a silver lining, and that is the genius of the American people. Today we are freeing the genius of the American people. It is long overdue.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes on this new energy policy for the Nation that some are calling the Hugo Chavez Competitive Rewards Advantage Program to Mr. SHIMKUS from Illinois.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, again, I enjoyed my comments with my colleague, but I know my colleague from Washington State who just left would not mention coal. My folks from the west coast will not mention the benefits of coal, and we have a lot of work to do. We are going to continue to move it forward, and this was our opportunity to be helpful.

I want to talk about section 199. And I know my colleagues on the other side like to talk about the Big Oil guys, but let's talk about the Little Oil guys, the ones in southern Illinois. In southern Illinois, we produce about 30,000 barrels of crude oil per day amounting to \$574 million minus about one-eighth of that to royalty owners. These are small mom and pop operations of marginal wells, you know, those wells that you have to put energy in to get the crude oil out.

Section 199 has three primary purposes: exploration, that is a good thing. Production, that is a good thing. Refining, that is a good thing. Three good things to help address our reliance on imported crude oil from overseas.

Illinois crude oil, being delivered from Illinois soil up to the surface area so that it can meet our fuel needs, the attack on section 199 in this bill to a small mom and pop oil producer in southern Illinois in 2008 will be a \$200,000 tax increase. In 2009, it will be a \$300,000 tax increase on this small marginal oil producer. This is money that she, a woman-owned business operation, cannot use to expand, employ, provide health care benefits to. This is all money that is going to come out of the bottom line in her ability to expand and find new oil reserves and resources in southern Illinois, and that is why I am going to vote against this bill.

Mr. Speaker, if you want to decrease our reliance on foreign energy—exploiting our coal reserves is one way. I offered an amendment through the rules committee that would move some of the revenue from this tax increase to allow DOD to forward contract and purchase CTL fuels.

But this bill will make it more difficult to recover what oil we have left in Southern Illinois.

In Southern Illinois—we produce around 30,000 barrels of crude per day amounting to \$574 million minus about 1/8 of that to royalty owners. These are all small mom and pop operations and marginal wells.

The smaller oil and gas producers in my district rely on Section 199 deduction as it lowers the effective tax rate on manufacturing income that comes from exploration, production and refining.

One small producer in my district, for example, estimates that depending on the timing the Democratic repeal would go into effect,

they would lose \$200,000 in 2008 and around \$300,000 in 2009. Now this is \$500,000 that a small oil and gas producer in rural Southern Illinois cannot use to improve the efficiency of their business, buy new equipment, hire new employees or even use to pay health insurance cost of their current employees.

Regular order would have allowed a committee to hear some of these concerns so that adjustments could have been made to eliminate the unintended consequences of this bill—or maybe they aren't unintended.

Amortization of Geological and Geophysical (G&G) expenses, another provision that they are trying to repeal today—was passed in the Energy Policy Act of 2005, because it allows producers to affordably use a technology to examine, without drilling, the best spot to drill for oil or gas—this is also an environmentally friendly practice—without it they would have to revert to drilling all over an area to find an optimal drilling point.

The cost of this Geophysical exploration is around 20 to 30 thousand dollars per square mile of exploration—so simple math shows you that this is a significant investment that is being made by the industry, taking that away will lower production and efficiency, making the U.S. less competitive in the world market.

We need to develop policies that make it easier to produce affordable domestic energy.

And, again, we did that in the Energy Policy Act of 2005 that is why expansion is starting to happen today. Expansion with petroleum refineries, with ethanol refineries, with clean coal generation, nuclear generation, expansion of the areas where we can explore for new energy sources.

Here are some numbers: Over 500 million of new ethanol production and nearly 30 new plants; 500 million gallons of new annual ethanol production online; 25 new nuclear reactors planned; 2,000 megawatts of new wind power online; 120 new coal-based facilities in various stages of planning; and 2 million barrels of oil daily that can be replaced by clean, synthetic fuel from coal by 2025.

Raising taxes in this bill will in fact do more harm to the little guys—the guys that are spread across the U.S. diversifying where our domestic petroleum and gas come from. And will not help us reduce our dependence on foreign sources of gas and oil.

Mr. RAHALL. Mr. Speaker, in response to the gentleman from Illinois, some of the issues which he just addressed are properly addressed in the Ways and Means Committee or the Ways and Means section of this bill.

I yield 30 seconds to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Regarding clean coal, we believe clean coal could be part of our energy future, and we need to do research in it to find a way to sequester carbon dioxide so that resource can be used. But in doing so, we can only do it if we have some limitation on carbon dioxide. The FutureGen project will never be built unless we have a limit on carbon dioxide. That is the only way it is going to be built. Democrats stand for research on that. It is part of this bill, it is part of clean energy.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of our Natural Resources Committee.

Mr. HOLT. I thank the chairman.

Mr. Speaker, this week I received an e-mail message from a constituent of mine in Lawrenceville, New Jersey. She said: "Please help turn the tide by doing not a little but a lot to help solar, wind, hydrogen become the mainstream energy sources and turn oil into the alternative."

She is right. This legislation which will end the subsidies, renegotiate the leases, and use the revenues to develop sustainable energy technologies is a very good start.

There are any number of things. Take wind energy. The United States does not lead the world in total production of wind energy. We fall behind Spain, Germany, Denmark. It is because these governments have made commitments that we have not. We have lost some technological leads that we have had, and we won't lessen our addiction to foreign oil in the United States without making investment in these sustainable energy sources. Wind is just one example. Generating power from the oceans is another. This bill is not enough, but it is a good start.

I rise today in support of H.R. 6, the Creating Long-term Energy Alternatives for the Nation Act or the CLEAN Energy Act. This is an important step for our nation in reducing our dependence on foreign oil and I commend Speaker PELOSI, Chairman RAHALL, and Chairman RANGEL for including this legislation in the first 100 hours of legislative business in the 110th Congress.

We have already heard from our colleagues today about the three major tenets of this bill—ending subsidies for large oil companies, renegotiating leases for oil companies that have avoided paying royalties on leases they signed in 1998 and 1999, and creating the Strategic Energy Efficiency and Renewables Reserve. I would like to take some time to speak about the importance of the Strategic Energy Efficiency and Renewables Reserve.

The new sustainable energy reserve created in this legislation will be funded by repealing the tax breaks that have been provided to the large oil companies, who consistently reap excessive profits at the expense of the American consumer. There is a lot that is funding can be used for. It is my hope that we focus our attention on research and development of sustainable energy sources and invest in the technologies needed to wean ourselves from fossil fuels.

One example of a real investment is the wind industry. It was once the case that the wind industry was based-only in California. Production across the country has increased, and I commend the industry for the progress they have made. There is, of course, still more we can do. The United States does not lead the world in total production of wind energy—we fall behind Spain and Germany. These countries have a greater commitment to wind energy than we. And Denmark has made a turnaround in the past thirty years, moving away from relying solely on oil to relying a great deal on wind power for their electricity. This is because the government in Denmark made a real commitment to investing in this technology. The United States can and should be the leader on wind energy. With the proper investment from the government, it will be.

According to the American Wind Energy Association, 46 of our states have the potential to produce significant wind energy. We must harness this potential across our country and make a real commitment to wind power. We can start by including a long term extension of the production tax credit. We can also adopt a renewable portfolio standard, which over twenty states have already done on their own.

We will not lessen our addition on foreign oil in the United States without making the investment in alternative energy sources now. Wind energy is not the only solution to our energy needs. Neither is generating power from the ocean. But investing in research and development in a variety of different sustainable energy sources will lead us on our path to energy independence. But having a dedicated renewable energy reserve to fund this research and development is an important step.

Many of my constituents have written to me over the past few years passionately urging us in Congress to reverse our energy policy. Just last Friday, I received an email from a constituent of mine in Lawrenceville, New Jersey. She said "Please help turn the tide by doing not a little, but a lot, to help solar, wind, and hydrogen [power] become the mainstream energy source[s]—and turn oil into the "alternative"." She is right. We must do something drastic to change our energy policy and put our country back on a rational energy path. Making advancements in sustainable energy sources is a major component of where our energy policy should be.

Of course, this bill is not enough. But it is a start, and a very good start. Once we pass this bill, we will be able to consider other alternative energy legislation and I am confident that we will. I urge my colleagues to support this bill.

Mr. PEARCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I am going to ask again: Why did we start the new energy independence with taxing domestic production but not taxing foreign oil? We are going to lead us in the wrong direction.

In your anger against Big Oil, I understand that, but you are penalizing everybody. Eighty-two percent of natural gas is produced by independents; 68 percent of oil is produced by independents; 50 percent of refined products is from independents. My little refinery in Warren, Pennsylvania, will get taxed harder because of your new bill. And I have watched them struggle to fund clean diesel; I watched them struggle to fund clean gasoline units, very expensive.

The use of foreign oil under your bill will continue at the same rate of increase, and I predict in 5 years will be 76 percent dependent. I am for all your renewables, I want to fund them all. But if we produce the energy, took the royalties from the new energy that keeps us alive in this country, we could fund them adequately. If we don't open new fields, we will not have a fertilizer industry, a petrochemical industry, a polymers and plastics industry, and we will make bricks and glass in South America.

Mr. RAHALL. Mr. Speaker, may I ask how much time we have?

The SPEAKER pro tempore. The gentleman from West Virginia has 8 minutes remaining; the gentleman from New Mexico has 18 minutes remaining.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

□ 1500

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to make three quick points. Sadly, this bill will increase our dependency on foreign oil, exactly the wrong public policy. It taxes the production of domestic oil and, therefore, encourages us to buy more foreign oil. The wrong policy.

Second, this bill will increase the cost of gasoline and fuel oil for every American. Make no mistake about it, when you increase the tax, the producers will pass that tax on and our prices are going up.

But I want to make a broader, more important point, and that is to discuss for the American people and for the record how this bill and the preceding five bills were brought to the floor. That procedure is a raw exercise of power, and I would like to ask my Democratic colleagues why they are afraid to allow discussion and dissent.

This bill came to the floor allowing Republicans no amendments. Zero. This bill didn't go through committee. It couldn't be amended in committee and it can't be amended on the floor.

Some people say this is a response to the Contract With America. I would like to make the point that in the Contract With America, we were allowed to set our agenda. You are entitled to set your agenda here. But in the Contract With America, for those bills we allowed Democrats to offer 154 floor amendments. To our Contract With America in 1995, you got to offer 154 amendments. We get to offer zero.

In our Contract With America, in allowing you to offer 154 amendments in addition to the amendments in committee, 48 of the Democrat amendments to the Republican Contract With America were adopted and became a part of the bill. Zero Republican amendments will be adopted because you allow none.

I do not understand and I do not believe that beginning this debate by not allowing the minority to express itself shows any pride. Let the minority speak. What are you afraid of?

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I recognize one of our new Members, Mr. LAMBORN from Colorado, for 1½ minutes.

Mr. LAMBORN. Mr. Speaker, H.R. 6 would be bad enough if it only increased taxes by \$6.5 billion. H.R. 6 would be bad enough if it only drove up the price of domestic energy, hurting working families and empowering Hugo Chavez and OPEC.

But there is a flaw in this bill that goes even deeper and touches on our oath to uphold the United States Constitution. This bill has a takings with no compensation in it which should not be allowed under the United States Constitution.

I thought we had all learned in the aftermath of the Kelo decision that the American people are offended when the government grabs property without just compensation. Yet this bill does exactly that. This bill forces owners of certain oil and gas leases to renegotiate those leases and forces them to forgo all economic benefits from those leases until they do so. This is a clear violation of the fifth amendment.

Under my oath of office, I cannot support H.R. 6. I urge all Members to oppose it for this reason alone, apart from all of the other bad policy that it contains.

Mr. PEARCE. Mr. Speaker, I would like to recognize my friend from Texas, Mr. CONAWAY, for 1 minute.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for yielding.

The word "integrity" in this bill has been used several times today. It is offensive in the extreme just because of what my colleague just mentioned. The lead-in sentence to section 202, which is the beginning of this wreck where we take money, confiscate money from otherwise good hardworking individuals for government purposes, says, "The Secretary of Interior shall agree to a request by any lessee," and I can assure you that no lessee that has negotiated in good faith leases is going to request without some sort of a gun held to their head, and that gun is this bill.

Tax rates go up and tax rates go down. Everybody understands that. Every businessman understands that. What these businessmen don't understand is this Congress's attack on the sanctity of contracts. These leases were signed in 1998 and 1999. If mistakes were made by the Federal Government, fine, go find those lawyers and bring them up on malpractice suits. But those leases were signed.

This bill has delay rentals which were not in the original negotiation. This bill takes money away from those folks.

The bottom line for this increase in taxes and these takings is that there will be less money reinvested in oil and gas domestic production. Every reduction in domestic production leads to a demand for foreign crude oil and foreign natural gas. I recommend a "no" vote on this bill.

Mr. PEARCE. Mr. Speaker, I would like to yield 2¼ minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you, Mr. Speaker.

We have heard complaints from across the aisle today alleging that oil and gas leases being addressed right now were negotiated in a culture of corruption.

Mr. Speaker, if the Democrats have evidence that the Clinton administration that negotiated these leases did so

corruptly, it needs to be brought forward. If that evidence is there, the Attorney General can go forward and rescind these leases and get damages. Maybe that is some of the evidence that Sandy Berger was stuffing in his socks to steal away. But if we don't have the evidence, then it is not right to go forward and break contractual words of this country and this Congress.

Once upon a time there was a king who broke his word regularly, like the Democrats are trying to do here, and our forefathers came forth with a document that said when in the course of human events it becomes necessary to dissolve the political bands which have connected one with another, that is what started this country when the king started being so arbitrary and capricious as this.

Now our forefathers tried to protect against that, so they inserted in the Bill of Rights a fifth amendment provision called the takings clause that says you shall not take private property for public use without just compensation.

Now this bill basically says if you don't renegotiate your lease, you can't get any more leases on your existing lease. You can't have economic benefit. That is one of the things. The Penn Central case from 1978 made clear what the test was, and this rises to the level of a regulatory taking.

In this bill, the Democrats are also going to try to change the Tax Code and deprive the oil and gas industry of a deduction that every other industry has. And what it will do is, in effect, prevent domestic drilling, drive us to more foreign oil and send money to our enemies. We should rename the bill the "Chavez Shelter Bill" or the "Terrorist Assistance Bill" or maybe the "National Insecurity Bill."

Gas prices will skyrocket, and if that is what somebody here wants, they will be happy. Look, I am not happy with the deal that the Clinton administration cut. It was not a good deal, but a country cannot go about breaking its word. That is not the right thing to do.

What the majority wants to do is what was done in "Animal House" after a freshman pledge's car was wrecked. He got an arm around his shoulders and the words, "Son, you messed up. You trusted me." That's not the way to run a government.

Mr. RAHALL. Mr. Speaker, I remind the gentleman who just spoke that he voted for the Pombo bill in both committee and on the floor last year, which included the imposition of these new conservation fees.

Mr. PEARCE. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, there are three titles in this bill. First deals with ways and means problems, those problems that have to do with taxes. We can have legitimate discussions on whether to tax or not tax corporations.

The third title deals with the renewable resources. Being from New Mexico, I think we should be exploring and

investing in renewable resources. New Mexico is one of the few States that would be self-sufficient in wind and solar. We are making heavy investments in nuclear energy and in biomass, hydrogen, and geothermal.

I am very committed to the section that the Democrats have on title III. The one I have deep reserves about is title II. In that title, page 10 says a lessee shall not be eligible to obtain the economic benefit of any covered lease, or any other lease.

Mr. Speaker, what is occurring here is the piece that is referred to in yesterday's Washington Post editorial where the Democrats are described as being heavy handed. The stability of contracts that would be recognized and welcomed in Russia and Bolivia, I do not think that our friends on the other side of the aisle intended to do this. Therefore, I recommend that we kindly send this back to committee and we could take out these offenses.

Mr. Speaker, the quality of a nation and its government depends on the full faith and credit of that government. This government depends on making promises that are not written to its seniors, to its veterans. Those promises are honored. But it also makes contractual promises, promises where companies are spending billions of dollars based on the contractual agreement that is there. If we are going to find a way out of those foolish mistakes made by the Clinton administration, I agree we need to do it, but we do not need to do it in the way that they did in Venezuela and Bolivia and Russia. We need to go about it in a proper way. If we are going to punish people who did not voluntarily change a contract, we are no better than those countries that nationalize their industries.

Mr. RAHALL. Mr. Speaker, in response to the speaker from New Mexico referring to the silly mistakes of the Clinton administration, I remind him that the current administration has been in power for 6 years.

I yield 2 minutes to the distinguished gentleman from New York (Mr. HINCHEY), a member of the Committee on Natural Resources.

Mr. HINCHEY. Mr. Speaker, our friends on the other side of the aisle have been talking a great deal about the so-called Contract With America. But what our experience has shown over the years is that was not a Contract With America but a contract with and for powerful special interests.

They allowed the drug companies, for example, to write a Medicare bill; and they have allowed the oil companies to determine energy policy in our country. That needs to change.

All day long today they have been talking about how they don't like the idea that the oil companies have to pay their fair share of taxes even while they are making record profits and they have charged record prices at the pump and elsewhere for their product. It makes no sense.

The energy policy that they put in place beginning in 1995, and then made even worse in 2005, caused oil prices to increase dramatically because of their affiliation with the energy companies. We need to change that.

What this bill does is it takes bad policy and turns it into good policy. It takes policy that is based upon the interest of special interests, the oil companies, and changes it into policy that is based upon the big interests of the American people.

It takes as much as \$14 billion over the course of the next 10 years and uses that money to promote energy conservation, alternative energy, to bring our country to a situation of increasing energy independence.

They have been talking a great deal about how we are going to be importing more oil. Well, the fact of the matter is 60 percent of the oil that we use in our country today is imported from outside of the country.

The product that we have in places such as the Gulf of Mexico is a very valuable product. It is owned by the American people. The value of that product is going to go up over time significantly. You just want to make it easier for the oil companies to take it now at a cheap price. We are against that. Pass H.R. 6.

Mr. PEARCE. Mr. Speaker, I recognize the gentleman from Louisiana (Mr. BOUSTANY) for 1 minute.

Mr. BOUSTANY. Mr. Speaker, this ill-conceived legislation will halt recent efforts to increase domestic oil and gas production and will further boost our Nation's dependence on foreign oil.

The price we pay for turning a blind eye towards our Nation's energy security is absolutely staggering. Most Americans don't realize the hidden cost of our reliance on foreign oil.

According to the National Defense Council Foundation, the cost to defend America's access to foreign oil supplies rose to nearly \$137 billion in 2006.

The majority is pushing through this job-killing legislation that threatens thousands of jobs in my gulf coast district.

Mr. Speaker, I can tell you firsthand, we are not talking about minimum wage jobs. Many times over minimum wage.

Furthermore, the creation of an energy slush fund with no specific wording in this legislation about how it is going to be used is fiscally irresponsible. America deserves a comprehensive bill to address our Nation's energy security. H.R. 6 is not close, and I urge my colleagues to vote "no."

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY), another member of the Committee on Natural Resources.

Mr. KENNEDY. Mr. Speaker, in 2006, our Nation's oil companies made \$97 billion in profits, five times the profits they made in 2002. In the last 3 years, their profits per gallon of gasoline

went from 15 cents per gallon of gas that you pumped in your car to 50 cents last year.

□ 1515

So just think of it. Today, when you put your gallon of gas in the car, oil and gas is taking 50 cents a gallon for profits. That is scandalous.

Now, if you want to challenge me, I ask the press to challenge me. And if oil and gas wants to disprove my facts, I ask the oil and gas industry to disprove my facts. Open up your books, oil and gas companies, and disprove what I have to say to you today.

Otherwise, let's pass this bill and give back to the people of this country some of the excess profits these companies have been taking from the American people.

Mr. PEARCE. Mr. Speaker, I yield to the gentlewoman from Oklahoma (Ms. FALLIN) 2½ minutes.

Ms. FALLIN. Mr. Speaker, you know, in America, I still believe that a man's word is a man's word. And in America, contract rights are property rights. And the fifth amendment prohibits the government from taking away those property rights without due process and without just compensation.

Under the Democrat energy bill, contract rights are bona fide leases that are taken away. You cannot sell your lease, you cannot transfer your lease, you cannot derive any economic benefit from your lease until you open up your lease renegotiation. This is a complete elimination of value of these valid and binding contracts. The Supreme Court has long held that when this occurs property owners must be compensated.

The Democrat energy bill doesn't recapture the money lost from the Clinton administration's badly written leases, it just opens up the floodgates for takings litigation. This is a trial lawyer's dream bill. Federal takings claims and property disputes are notoriously long. They can take a long time to resolve.

Now, there was a bipartisan resolution and a vote in Congress to fix the lease mess, but last year's language was killed by the other body. It had a fix on the leases that would give back \$10 billion to the American taxpayers. The Democrat bill, as written, will hurt offshore investment in drilling by American companies, which in turn does nothing to reduce our U.S. dependence on foreign energy.

We are breaking our word with American companies who hold these leases and who have invested a lot of their money into drilling. In my opinion, Mr. Speaker, a man's word is a man's word, and a deal is a deal. If our government interferes with lease contracts and changes this deal, who will want to invest in American exploration?

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, for too long Big Oil has benefited from weak

royalty laws, huge tax breaks, and subsidies. Last year, the five biggest oil companies' profits were \$97 billion, nearly five times their profit in 2002. These record profits were bolstered by excessive tax breaks, generous subsidies, and being allowed to drill on public land without reimbursing taxpayers.

In the meantime, Americans are being taken at the gas pump as gas prices rose to over \$3 per gallon last summer. Rather than helping oil companies' bottom lines, these tax breaks and special subsidies will be reallocated in H.R. 6 to promote and develop clean and renewable energy to end our Nation's addiction to oil.

Under prior Republican leadership, the oil industry enjoyed years of record profits with minimal oversight, resulting in price manipulation and record gas prices. The American people have chosen a new direction, and under Democratic leadership we will end the tax breaks and the subsidies to Big Oil.

America will begin to end our addiction to foreign oil, improve our environment, and promote our economic and national security through clean and renewable energy. Vote "yes" on H.R. 6.

Mr. PEARCE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill is not energy policy, it is industrial policy. The San Francisco wing of the Democrat Party is switching from blaming America first to blaming the American way of life first for all the ills they conjure up.

San Francisco Democrats want to tell the American people they should be running their cars off wind, yet I will tell you that there is only one institution in this Nation that runs off wind and that is the hot air that fuels this institution.

Mr. Speaker, energy is the largest business in the world, not because governments make it so but because 6 billion people demand the freedom and quality of life that its use provides. When America went from horses to cars it was because cars were more efficient and faster than horses, not because government deemed they should be driving in cars. When America went from dirt roads to asphalt it was because asphalt was the more efficient surface that could withstand rain and snow, not because government told people to use it.

Just because we say people should be using wind and solar to power their cars does not mean it is going to occur.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. May I have a time check, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 4 minutes remaining.

Mr. RAHALL. And the gentleman from New Mexico?

The SPEAKER pro tempore. The gentleman from New Mexico has 5¼ minutes remaining.

Mr. PEARCE. Mr. Speaker, I would observe that it is my intent to reserve

the balance of my time until the closing of the entire bill, if that would assist the gentleman in planning his time.

Mr. RAHALL. I am sorry, I have the right to close; is that right?

Mr. PEARCE. I am just going to reserve my 5 minutes of debate time until after the next two committees have gone.

Mr. RAHALL. Mr. Speaker, I yield for unanimous consent only to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise in favor of H.R. 6.

I rise today in strong support of H.R. 6, which works to stop global warming by creating a fund that will support research in renewable energy sources and encourage energy efficiency.

Yesterday, the publishers of the Bulletin of Atomic Scientists, a group of prominent experts including physicist Lawrence Krauss of Case Western Reserve University, said we are perilously close to destroying the stability of our planet by ignoring the threat of climate change.

Carbon dioxide levels are 27 percent higher now than at any point in 650,000 years, and 2006 registered as the warmest year in recorded history. We can no longer afford to postpone action.

Our need to act now is further enhanced by our Nation's dependence on foreign oil. Currently, we import 60 percent of our oil, and that number will increase to 75 percent in the next four years.

With diminishing domestic oil reserves and growing instability in the Middle East, dependence on imported oil leaves our Nation vulnerable to volatility in foreign nations.

Yet we can reverse our course, and H.R. 6 takes a step toward doing so.

The CLEAN Act will create a Strategic Energy Efficiency and Renewables Reserve, which will finance legislation that promotes renewable energy and energy efficiency.

Although 86 percent of America's energy comes from the burning of fossil fuels, a number of alternatives exist that are better for the environment.

Ohio is home to the largest wind turbines east of the Rockies, installed near Bowling Green. These utility-scale turbines produce 1.8 Megawatts of electricity. Honda and Iten Industries are currently studying developing wind farms at their facilities in Ashtabula and Logan counties.

As part of its Sustainability Program, the City of Cleveland has partnered with Green Energy Ohio to study the feasibility of installing wind turbines on Lake Erie.

Ohio is also a leader in biofuels. Most gasoline sold in Ohio contains 10 percent ethanol, and the Ohio Department of Development offers incentives for research in agricultural-based fuels. Ohioans are installing solar panels on their roofs to heat their water, buying hybrid cars to decrease fuel consumption, and building low-impact dams to produce hydropower. The City of Cleveland is building new bike lanes to encourage commuters to leave their cars at home.

Ohioans are committed to using cleaner energy, but doing so is expensive. The reserve

fund established by H.R. 6 would provide the means needed to pursue these environmentally sound strategies.

This reserve will be financed by reinvesting money that used to go to large oil companies through tax breaks, allowing Congress to provide this fund without increasing the deficit.

Critics of H.R. 6 argue this measure will place an undue burden on oil companies, which will lead to higher gas prices. However, by helping reduce our dependence on oil and diversifying the source of energy for Americans, H.R. 6 will lead to increased long-run fuel price stability. Even President Bush has said, "Energy companies do not need taxpayer funded incentives to explore for oil and gas."

Other critics argue the threat of global warming has not been proved. Those in denial ignore the opinions of not only the scientific community, but of corporations such as Wal-Mart and General Electric, state and local governments around the country, and the National Academy of Sciences, who all agree that the fight to stop global warming must start now.

H.R. 6 will not single-handedly solve our climate change problems, but it is one part of an elaborate strategy we must undertake in order to ensure that the planet we love will be here for our grandchildren's grandchildren.

Vote "yes" on H.R. 6.

Mr. RAHALL. Mr. Speaker, just by way of clarification with the gentleman of New Mexico, my name is the lead sponsor on this bill and I am from the State of West Virginia, not San Francisco. Just to correct any misperceptions there.

Mr. PEARCE. I appreciate that clarification from the gentleman.

Mr. RAHALL. Mr. Speaker, I now yield to a valued member of our Natural Resources Committee, the gentleman from California (Mrs. CAPPS) 1½ minutes.

Mrs. CAPPS. I thank my colleague for yielding, and I rise in strong support of H.R. 6, the CLEAN Energy Act. Today, our economy relies on fossil fuels for energy. We must simply change that.

President Bush admits we are addicted to oil, and this addiction is harming our country. The best way to beat this addiction is to stop using so much oil and gas by reducing demand, promoting renewables, and developing alternatives.

Since America is not exactly awash in oil and gas, reducing our dependence upon them would be good not only for our environment but for the economy and our national security as well.

To be honest, though, we have to do more than just talk about the potential that renewables and alternative energy has for this country. We have to put in place more funding for programs to bring these energy sources to market. We have to make changes in energy policy to encourage their use. And that is exactly what H.R. 6 does.

In the debate on the floor today, the minority side has described H.R. 6 as a takings. So let me remind all of us that when the House considered and passed the Jindal-Pombo OCS drilling legislation last June, 2006, no Republican

Member challenged the conservation fee as a breach of contract or a taking. In fact, the Committee on Resources report on that legislation, H.R. 4761, states, and I quote, "this new fee addresses the mistakes made in leases issued in 1998 and 1999 where price triggers for royalties were not included in the lease without violating contractual obligations of the United States."

Mr. Speaker, Americans want real meaningful solutions to our Nation's energy challenges. Big Oil has received more than its fair share of handouts. It is time we put taxpayer funds to more productive use. Let us pass the CLEAN Energy Act.

Mr. PEARCE. Mr. Speaker, I yield myself 30 seconds just to point out that the conservation fee in this bill, contrary to the testimony we are hearing, applies to all leases, according to the language in the bill, and that clarification is a very important distinction.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. How much time do I have left now, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 2½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a valued member of our Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for his great work and for yielding, and I thank Mr. HINCHEY, who has worked with me over the past 2 years to bring to the attention of the American people this issue of the fact that there is drilling going on off the shores of our public country on public lands where there are no royalties being paid, whether it is \$30, \$40, \$50, \$60, \$70, or \$80 a barrel.

Here is what President Bush said about that on April 19, 2005. "I will tell you, with \$55 oil, we don't need the incentives to oil and gas companies to explore," Bush said in a speech in April.

So what are we saying? We are saying keep your contracts. You don't have to change the contracts. Keep them. But if you want new contracts on new drilling sites, renegotiate the old contracts or pay a \$9 fee. You can keep the sanctity of the old contracts, but you are not entitled to new contracts. Very simple.

Then, after the money is recollected, we are going to create a Renewable Energy Strategic Fund to change and put our country heading in a new direction.

Mr. Speaker, the bill that we are considering today represents the important first step in charting a new direction for the nation's energy policy. H.R. 6, the CLEAN Energy Act of 2007, repeals the unnecessary and I wasteful tax breaks and royalty-free drilling rights for big oil and gas companies, and instead creates a Strategic Energy Efficiency and Renewables Reserve that would invest in clean, renewable energy sources and clean alternative fuels like ethanol, as well as energy efficiency and conservation.

At a time when they are making record profits and American consumers are being tipped upside down at the pump we should not be giving massive subsidies and tax breaks to big oil companies. Even President Bush conceded in an April 19, 2005 Washington Post article, "I will tell you with \$55 oil we don't need incentives to oil and gas companies to explore. * * * There are plenty of incentives." Even George Bush admits that at \$55 dollars, the price of oil is enough of an incentive for oil companies to drill and they don't need the additional taxpayer subsidies that were created under the Republican Congress. Today, with H.R. 6, we are simply going to repeal the most egregious of those unnecessary incentives and tax breaks to big oil.

In addition, H.R. 6 will put an end to oil companies drilling for free on public land when oil prices are high. The Government Accountability Office has estimated that the American taxpayers stand to lose at least \$10 billion from leases issued in the late 90s that do not suspend so-called royalty relief. H.R. 6 would correct this problem by barring oil companies from purchasing new leases unless they had either renegotiated their existing faulty leases or agreed to pay a fee on the production of oil and gas from those leases.

Now, I have heard some Members on the other side of the aisle argue that if we were to pass the royalty relief fixes included in H.R. 6 and take back from big oil the \$10 billion or more that rightfully belongs to the American people, it will violate the contracts that they are holding. That it will turn our country into Bolivia or Russia. But let me be clear—we have spoken to the top constitutional lawyers in the country and they all agree that we are on the firmest of constitutional ground.

The contracts that these oil companies are holding allow for the federal government to impose fees like the ones in this bill. Furthermore, the American Law Division of the Congressional Research Service has said time and time again that including a condition in new oil and gas leases to exclude oil companies that have not renegotiated their faulty leases would not abrogate existing contracts or constitute a takings. All H.R. 6 does is give these big oil companies a choice—they can continue producing royalty-free oil no matter how high the price of oil climbs, that's fine, but then they're not going to get any new leases from the Federal Government.

And more than that, this House has already adopted the royalty relief fixes included in H.R. 6 by overwhelming, bipartisan votes. Many of my Republican colleagues voted for both of those provisions. The House adopted the Markey-Hinchey amendment to the Interior appropriations bill to provide an incentive for these companies to renegotiate by suspending their ability to bid on new leases by a vote of 252–165. The House also voted last year to impose a \$9 per barrel fee on oil produced from these leases in a bill authored by former Resources Chairman Pombo. That Pombo fee is this bill, and the Markey-Hinchey suspension on bidding for new leases is also there as an alternative. So, this is something that the House has already voted to do two times. Two times, this House has said that we want to put real pressure on all the oil and gas companies holding those 1998–1999 leases to renegotiate.

However, the Bush Administration has consistently opposed our efforts to bring every oil

company holding one of these leases back to the negotiating table and it continues to oppose the provisions in H.R. 6 that would do so. Instead, the Bush Administration has argued that we should allow oil companies to "voluntarily" renegotiate with the Minerals Management Service. However, of the 56 companies holding these leases, only 5 have voluntarily agreed to renegotiate. When billions of taxpayer dollars are at stake, that is simply not an acceptable rate of return. H.R. 6 says that it is time for the oil companies to stop playing Uncle Sam for Uncle Sucker.

According to an Interior Department's Inspector General's report that came out today, senior officials at the Minerals Management Service have known about these faulty leases for nearly three years, yet sat idly by and did absolutely nothing while big oil companies failed to pay nearly \$1 billion in royalties that rightfully belonged to the American people. If the allegations in the IG's report are true, top Bush Administration officials have aided and abetted one of the greatest heists in history. We should not now leave those same officials in charge of getting oil companies to "voluntarily" renegotiate those same leases.

Finally today, as part of the first 100 hours, we are starting the comprehensive debate about our nation's energy policy that we should have been having over the last 6 years. Finally today, we are beginning to talk about how we can radically increase the amount of renewable fuels such as ethanol we consume in the country. Finally today, we are beginning to talk on the Floor of the People's House about how to make our appliances or our buildings or our vehicles more energy efficient so that we can reduce our consumption of foreign oil and our emissions of greenhouse gasses.

Adopting H.R. 6 will allow us to begin to move in a new, clean direction on energy and put an end to the free ride that big oil has had under the Bush Administration. This bill is a beginning. It is the beginning of a change in direction, away from subsidizing an industry that doesn't need extra financial incentives, and towards the technologies that do need a helping hand. Today, we have a Strategic Petroleum Reserve that we can tap to help American consumers in the event of another Middle East oil embargo or crisis. But with this bill we create a Strategic Energy Efficiency and Renewables Reserve, that we can tap to ensure that America can move towards energy independence.

I urge an "aye" vote on H.R. 6.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for his leadership in introducing this bill.

We are following through with our promise to hold big oil and gas companies accountable to the American people. Now, 6 years ago, when temperatures were spiking around the world, and the effects of global warming were raising alarm bells about the fate of the polar bear, the Vice President was holding secret meetings with energy executives and offering cozy deals and incentives to his Big Oil buddies.

When oil prices spiked, and they spiked after Hurricane Katrina, and oil companies began reporting the highest

corporate profits in American history, the President and the Republicans in Congress were eagerly offering their cronies another generous helping of public giveaways. While the American people were emptying their pockets to fill up at the pump, Republicans were lining up to be the first to open our coast to new drilling.

Mr. Speaker, I am proud to say that those days are over. By forcing oil and gas companies to pay their fair share for the natural resources that belong to us, we are recovering more than \$14 billion of the taxpayers' money over the next 10 years. That \$14 billion represents a real investment in green energy initiatives that will one day allow us to declare energy independence.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to the chairman of the Education and Labor Committee and a valued member of our Natural Resources Committee, the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. The gentleman from West Virginia has 30 seconds remaining.

Mr. GEORGE MILLER of California. I thank the chairman for yielding.

I think it is just incredible that the other side of the aisle would argue, at a time when the most competitive and the most stressed oil market in the world, that what you need to develop oil leases offshore is to have government subsidies. At a time when you have national governments and international oil companies scouring the world to lock up resources, almost willing to do business with anybody in the world, doesn't matter if they are a dictator from the right or the left, at a time when countries are out trying to get their hands on these resources, we suggest the only way you can get people to drill in the most secure area of the entire world is to give them a subsidy.

The national security of the United States is the subsidy they get when they drill here. They do not need additional subsidies.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. PEARCE. Mr. Speaker, I reserve the balance of my time until the end of debate after the other committees have used their time.

□ 1530

The SPEAKER pro tempore (Mr. HOLDEN). At this time, the gentleman from Minnesota and the gentleman from Virginia each control 15 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, thank you. I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House Agriculture Committee, I am pleased today to rise in support of H.R. 6. Rural America is already leading the

way towards reducing our dependence on foreign oil and generating electricity from renewable resources.

To encourage the growth of renewable energy production, the Agriculture Committee will be including an energy title in the farm bill that we will write this year; however, we currently have no baseline money to write that energy title.

The funds created in the energy reserve in H.R. 6 will help us establish farm bill policies that will move us closer to energy independence.

One of my top priorities for renewable energy in the farm bill will be funding for additional research and development on cellulosic ethanol, which I believe is the real key to achieving energy independence.

To begin the transition to cellulosic ethanol, we need to start growing cellulosic feedstocks so that we are ready to get the industry off the ground when the technology and infrastructure are in place to begin producing it.

To make this happen, we are going to propose a new farm bill program that will pay farmers and ranchers to begin growing cellulosic feedstocks, such as switch grass, sweet sorghum, miscanthus and other crops in actual, real-world settings. This will help us identify the best feedstocks that each region of the country can grow and supply to this new cellulosic ethanol industry.

While we are learning how to grow the feedstocks that will fuel the cellulosic ethanol industry, we must also help get the first generation of cellulosic ethanol plants up and running. We hoped that the Department of Energy would issue the loan guarantees to start that process, but the unfinished appropriation process left over from the last Congress, it appears, makes that unlikely. So I am going to work with the other committees of relevance to determine what we need to do to help these first cellulosic ethanol plants to be built and to be operational.

Although I am most interested in finding ways to encourage the move to cellulosic ethanol, we will also be looking for ways to make our current starch ethanol industry more efficient by supporting research on better use of by-products and better corn yields.

As we build on the success of the starch ethanol industry and as a value-added agriculture product, we need to continue to support one of our most important value-added industries in agriculture, our livestock industry. This industry has been one of the greatest value-added success stories in recent years, boosting income in our farming communities. We need to ensure that any renewable fuels policies that we pursue do not damage this important sector.

We must also continue to grow our domestic biodiesel industry, so the Agriculture Committee will continue the CCC Bioenergy program, a farm bill

program that can also provide incentives for the cellulosic ethanol production.

Beyond the renewable fuel production, there are other policies that the Agriculture Committee will support to help our Nation's farmers and ranchers both conserve and produce more energy. For example, in the 2002 farm bill, we included a program to help farmers and ranchers make their operations more energy efficient. That program, known as the Section 9006 Program, also helps agriculture producers install methane digesters or wind turbines on their land to produce renewable energy.

As we continue to consider the future of the energy production in the United States, we need to be sure that we can provide the technical expertise needed to plan and test all kinds of bio-based products, not just fuels, such as shirts made from corn fiber, which are produced in my district, and fast-food containers made from corn starch.

Mr. Speaker, my home State of Minnesota has been a leader in renewable energy, recognizing the growing needs for a growing industry. Many of our rural communities are coming alive with the excitement and the new investment that renewable energy has brought. I want to be sure that the rest of the country can benefit from this great experience that we have had in Minnesota.

Rural America stands ready to plant, grow and harvest the future of energy independence for our Nation. I encourage the support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise today in opposition to H.R. 6. Like my colleagues, I believe we should find solutions to address the growing demand for energy, and I look forward to working with my colleague, the chairman of the Agriculture Committee, Mr. PETERSON, to find new ways for American agriculture to provide increasing sources of domestic energy.

In the Republican-led Congress, I supported an energy bill that was signed into law that actually encouraged domestic energy production and lessened our dependence on foreign oil. Today's legislation, however, seems to dismantle any progress we have made in achieving energy independence.

The Wall Street Journal and The Washington Post, they don't agree with each other very often, they both condemn this legislation. The Wall Street Journal calls it the OPEC Energy Security Act: "This bill is said to promote America's energy independence, but the biggest winner may be OPEC. Raise taxes on domestic oil producers," it said. "Yes, raise the cost at the gas pump for American consumers. Raise the cost for American farmers who have to buy oil and natural gas to operate their farms. Every American farmer has to do that."

The Washington Post says: "This heavy-handed attack on the stability of contracts would be welcomed in Russia, Bolivia or other countries that have been criticized for tearing up revenue-sharing agreements with private energy companies." The Wall Street Journal again says: "So at the same time that the U.S. is trying to persuade Venezuela and other nations to honor property rights, Congress does its own Hugo Chavez imitation."

Many Members have discussed passionately how America needs to decrease its dependence on foreign oil. In fact, many campaigned on promises to decrease our independence. But here we are in the midst of the Democratic leadership's first 100 hours considering a bill to increase America's dependence on foreign oil. This is dangerous policy for our national and economic security.

This legislation increases fees for domestic energy production and repeals for energy companies only the manufacturing tax deduction which was put in place to encourage domestic manufacturing and jobs from domestic production of goods. The manufacturing tax deduction was extended to all manufacturing to fix the problematic FSC-ETI problem, and was in no way a give-away to the oil companies.

By singling out one industry alone, we are not righting a wrong. We are persecuting an industry and the people employed in that industry domestically. This is not attacks on foreign production in Venezuela or Iran or Saudi Arabia. This is attacks on American production of energy. Repealing these incentives makes it less economical to produce domestic energy and will compel companies to seek cheaper options abroad.

While energy demands continue to rise, this bill would discourage domestic production, forcing the U.S. to import more foreign oil. While the proponents will tell you only oil companies will pay, the truth is every single one of us will pay the price.

So why are we increasing the price of energy as well as our dependence on foreign oil? Those on the other side think this will help spur research for alternative energy. It is estimated that this bill robs about \$14 billion over the next decade from domestic energy production. That is quite a lot of money. But where is the plan outlining how that money will be used? Sadly, there isn't one, thanks to a closed rule, with no amendments offered whatsoever time after time during this process, in contrast with the Contract With America, where we allowed 154 Democratic amendments, 48 of which, by the way, passed and were included as a part of the Contract With America. In this process, that possibility of spelling that out is gone. There is no way to tell people how we can use this for more domestic production for renewable fuels, for example. Sadly, there isn't anything like that.

This bill creates a \$14 billion piggy bank or slush fund that we have been

told will be used for future alternative energy legislation.

I urge my colleagues to oppose this very bad legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished vice chairman of the House Agriculture Committee, the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I rise in support of H.R. 6, a piece of legislation that will move us towards energy independence. We are 65 percent dependent upon foreign energy, and we need to take advantage of our own natural resources. And in reference to the prior debate, that includes coal.

The only reason we do not have a coal-to-liquid plant in the United States of America right now has nothing to do with anyone in this Chamber on either side of the aisle, but it has directly to do with the Department of Energy that refuses to follow the letter of the law and enforce a loan guarantee of \$100 million. If they would do that, we would have a coal-to-liquid plant right now in the Commonwealth of Pennsylvania in the borough of Gilberton. We need to take advantage of all of our natural resources. And serving as the vice chairman of the Agriculture Committee, I look forward to taking advantage of our agriculture natural resources.

The chairman and ranking member last year, when their roles were reversed, traveled around the country having hearings, trying to see what we need to do in the next farm bill. One thing was heard loud and clear, we need to take advantage of our own natural resources. And in the trip to Minnesota at the chairman's district, when we learned how far ahead the State of Minnesota is in ethanol production and cellulosic research, we understood right then what we need to do in writing this farm bill.

So I rise in support of this legislation to give us the opportunity to do the research, to find the feedstocks to make us energy independent so we can, once and for all, not depend upon foreign energy and be independent and bring the price down.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, H.R. 6 aims to punish Big Oil. In reality, the only people it punishes are the American people.

It is a fact that America is dependent upon foreign sources of oil. Six out of every 10 barrels of oil our Nation consumes come from foreign sources. This means that our Nation's energy security rests in the hands of the leaders of Iran, Venezuela, Algeria, Chad, Angola, Nigeria, and Russia. This state of affairs is unacceptable, and we must do all we can to change it.

The way we change the situation is straightforward, but not easy. We need

to be more efficient with the energy we use to fuel our economy, heat our homes, and run our cars. We need to increase the use of alternative and renewable fuels, like ethanol and soy diesel, wind energy and nuclear power. We need to deploy new technologies that will allow us to make clean and efficient use of our nearly inexhaustible supplies of coal, and we need to look forward to a new age where we can use the power derived from hydrogen-replaced fossil fuels.

I am pleased to say that on every one of these fronts, Congress has already acted. The Energy Policy Act of 2005, the first comprehensive energy bill in decades, provided significant incentives for renewable fuels, including the very successful and renewable fuel standard. It provided significant incentives for new nuclear power plants, energy-efficient buildings, solar and wind power, biomass and geothermal energy. It provides funding for FutureGen and other clean coal projects for research into the use of hydrogen and fuel cells. And it provides loan guarantees for projects employing carbon sequestration, coal gasification and coal-to-liquids technology.

This landmark legislation moved us toward where we will ultimately need to be, a country less dependent on uncertain foreign sources of energy.

I agree with many of my colleagues that we need to do more. We need to ensure that this country can deploy nuclear power plants, that we can provide the power investment climate whereby clean coal-to-liquid plants can be built. And we need to push the deployment of E-85 infrastructure.

Mr. Speaker, we need to do all these things and more, but we also need a vibrant and effective energy sector in this country. We need to produce and develop our own energy. We need to open ANWR. We need to make more of our offshore resources available for development, and we need additional investment in energy infrastructure. What we do not need, Mr. Speaker, is a tax increase on domestic energy exploration, production and development. We do not need to make American energy less competitive than energy produced overseas.

And make no mistake about it, increasing taxes on our Nation's energy industry means one thing: more reliance on foreign oil and gasoline. I had the honor of being in Soviet Union, Russia, last fall; met with Premier Putin. He spent 2½ hours talking about how Russia was going to combine and provide the energy for all of Europe and America if we wished to buy it.

□ 1545

Incidentally, he wanted our investment dollars, he wanted companies to invest there. Higher taxes means we have less investment here, less exploration here, development of resources here at home, and more development dependence on energy derived from foreign sources.

Mr. Speaker, we need to vote "no" on this bill.

Mr. Speaker, H.R. 6 is shortsighted policy. Oil companies in recent years have made huge profits, no doubt about it. I, for one, have argued that they use these profits and reinvest them here in developing new energy projects and building new refineries.

My colleagues on the other side of the aisle, however, want to punish such investment in America with new taxes. That is wrong, it is shortsighted and it won't work.

As the Wall Street Journal noted, this is an energy bill only OPEC Ministers could love.

Mr. Speaker, I agree with many of my colleagues that we should fix the Clinton Administrations mistake in not putting price thresholds in offshore leases granted to oil companies in 1998 and 1999.

I voted, along with many of you, to correct this mistake. But I do not agree with my Democrat colleagues that we should punish investment in our Nation's energy resources and infrastructure.

Far from punishing Big Oil we are only punishing ourselves. I urge my colleagues to vote "no."

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to a member of the Energy and Commerce Committee, my good friend, the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my distinguished friend, the chairman of the Agriculture Committee, for giving me time.

Mr. Speaker, I rise in strong support of H.R. 6, the CLEAN Energy Act. I am proud to be a cosponsor of this important legislation. When we passed the Energy Policy Act of 2005, Congress put the interests of Big Oil ahead of enacting a comprehensive energy bill for the American people.

Today we begin to right that wrong by repealing \$14 billion in giveaways in tax loopholes to Big Oil. We are also repealing a provision which suspended the royalty fees from oil and gas companies operating in the Gulf of Mexico. We simply cannot let these companies off the hook for reaping record profits without paying their fair share.

We will then invest these funds in clean, renewable energy and energy efficiency and create a Strategic Renewable Energy Reserve which will also promote new energy technologies and improve energy conservation. The 110th Congress presents us with a new opportunity to advance forward-thinking 21st century energy policy. As a matter of national security we must wean ourselves off of foreign oil.

I will be reintroducing the bipartisan Engel/Kingston DRIVE Act, also known as the Fuel Choices for American Security Act. I hope we pass that bill as well.

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to yield 4 minutes to the gentleman from Texas (Mr. BARTON) for the purpose of controlling debate.

The SPEAKER pro tempore (Mr. HINCHY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Iowa (Mr. KING), a member of the committee.

Mr. KING of Iowa. I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise in opposition to H.R. 6 for a whole series of reasons. The gentleman addressed Vladimir Putin, who just nationalized \$20 billion worth of Shell Oil Company's investment. You get a sense of what we have when you have those countries taking over the private investment.

I, for one, don't object to profits that go into companies like Exxon, Chevron, Shell, companies that take their profits and reinvest them back into research and development and exploration. That is why oil went from \$75 a barrel down to \$53 a barrel, and the trend is on back down.

This bill sends it the other way. I happen to represent Iowa, and Iowa produced 26 percent of the ethanol in the United States of America. That is number one of the States in the United States. We have a Nation that eclipsed Brazil in ethanol production. We have over \$1 billion in private capital investment just in my congressional district for the 2006 construction season for renewable energies.

That tells me that research and development is coming in the private sector. They are producing enzymes in the private sector. They will catch up, and they will take care of the cellulosic ethanol. The government does a poor job of investing those dollars.

Mr. Speaker, I rise today in strong opposition of H.R. 6, the CLEAN Energy Act. We need a balanced energy policy in this country. This bill hurts agriculture and renewable fuels, small petroleum companies and well as the energy sector. This bill that affects every man, woman and child in America was not even given committee consideration. I guess an iron fisted rule from the Democrats is what we have come to expect.

Mr. Speaker, the liquid hydrocarbon sector supplies more than 99 percent of fuel used by Americans for transportation and operation of businesses. They produce the diesel fuel used by farmers in my district to run their tractors and combines. These are tractors and combines that plant and harvest our food in America. Natural gas is also the major cost in Nitrogen fertilizer farmers in my district use to grow corn. Corn, Mr. Speaker, is the major feedstock for ethanol in this country followed only by natural gas. This bill will hurt America's farmers by making them pay more for fuel to grow food and more for fertilizer to grow more ethanol. One last point, asphalt is made from petroleum. Asphalt is used for roads. Roads are used to transport grain to market and children to school.

I wonder if the Democrats realize they will be putting additional strain on local and State governments, the largest buyers of asphalt, who will then have to raise taxes to cover their cost. To recap, this bill raises operational costs of farming in my district by making fuel and fertilizer more expensive. In addition, farmers will get hit by increased taxes from their local and country governments.

While recovering royalties from the 98–99 lease issue seems like a politically friendly catch phrase, I would like to make two points on this issue. Recently, Russia forced Shell to hand over a \$20 billion project. The Democrats plan to force producers to renegotiate their lease royalties or be barred from future leases is blackmail of American oil companies. This blackmail stems from a mistake from a Democrat administration. Maybe the Democrats are taking a page from Putin's energy policy playbook. They make American petroleum companies fear blackmail on two continents.

Have the Democrats given any consideration to what this legislation will do to small business? Large companies are somewhat cushioned against these types of blows. Small independent oil producers are not.

If they are forced into bankruptcy or mergers, all the Democrats have done is to consolidate petroleum production into fewer hands.

Right now, America is importing a large sum of petroleum from unstable countries. By importing this petroleum, America is enriching her enemies. Importing oil is a fact of life right now. Since I have been in Congress, I have been saying that we need to produce more BTU's here in America. Section 345 of the 2005 Energy bill contained incentives for petroleum producers to venture into deep water. In September 2006 Chevron discovered an oil field 270 miles south-west of New Orleans. This field is projected to increase America's proven reserves by 50 percent. I don't know if Chevron took advantage of Section 345 but it sure would make it easier to convince the accountants of the need to head to deep water. H.R. 6 repeals section 345. The test-well that Chevron had to drill to find this new field cost them \$100 million.

The Democrats will no doubt point out the revenues reported in the media as justification for this legislation. I'm curious if the Democrats will acknowledge that the media has reported the gross revenue of oil companies. Not the net profits, but the gross receipts.

As a former small business owner, I wish to remind my Democrat colleagues about simple economics about how to calculate how much profit is made. The GROSS revenue are profits before bills are paid. Once the bills are paid, the net revenues of oil companies are very much in line with other industries as stated by Congressman COLE earlier today.

Some of the debt that oil companies pay is to shareholders. With the recent run-up in oil prices, oil companies have been a profitable sector to invest. When Democrat's take a bite out of the oil companies, they are taking a bite out of 401(k) plans, retirement plans and pension funds. Any tax increase on oil companies will hurt retirees and stockholders. Right now over seventeen million people rely on those funds for their retirement security.

I realize that this bill contains a section that will use royalty money for renewable research. Yet, there is no provision that would prevent this account from being raided for other projects. Most of my colleagues know that Iowa is not only a consumer of energy, but a producer of energy. The Fifth District of Iowa is an energy export center, exporting ethanol and biodiesel all across this Nation. Rest assured the American consumer is driving renewable demand. It is also driving research. Ethanol is good to invest in. Ethanol companies realize that more investment means more money. Ethanol companies also realize that

more ethanol means more money for investors. In order to maximize ethanol production companies are doing research to increase the yield of ethanol from feedstock. Rural investors raise money for new ethanol plants in days. Mr. Speaker, if the Democrats want research to happen for renewable energy, then clear the way of burdensome regulations.

Mr. Speaker as I conclude, I wish to reiterate, H.R. 6 sounds good, but it will do nothing but drive up energy prices for the American consumer. The American consumer, who drives to work, drives kids to wrestling practice, the independent truck driver driving more miles to make ends meet. It will make it harder for the American consumer living on a fixed income to make ends meet. I ask my colleagues to join with the American consumer and oppose H.R. 6, the CLEAN Energy Act of 2007.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to recognize a new member of the House Agriculture Committee, the distinguished gentleman from Indiana (Mr. ELLSWORTH) for 1 minute.

Mr. ELLSWORTH. I thank the gentleman for yielding.

Mr. Speaker, this is an argument that has been going on for a long time, when I was a young boy, since the 1970s, talking about reducing our dependence on foreign oil.

I rise today in strong support of this bill for cutting big oil subsidies and investing in our homegrown energy sources.

I have to think of an analogy that this is much like when I was trying to teach my daughter how to ride a bicycle. Had training wheels on a small Stingray. She rode like that, and I ran behind her with my hand on the back of the seat. Then at the point she was ready, I let her go. She could ride, and she rode well. I think these companies and these big oil companies are ready to ride on their own.

Mr. Speaker, I think it is time we get serious about kicking our dependence on foreign oil, relying on homegrown sources like we grow in Indiana, corn and soybeans. We know how to do it, we know how to grow it. With the technology incentives, we can turn that into the energy we need.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of TEXAS. Mr. Speaker, I want to focus, in the small amount of time that I have, on one of the principal components of this particular piece of legislation. That is the apparent attempt to say that some of these leases that were granted in 1997 and 1998 were somehow flawed, and that there were mistakes made and things were covered up and the oil companies tried to renegotiate some of these leases to get a sweetheart deal. Nothing could be further from the truth.

On November 28, 1995, President Clinton signed Public Law 104–58. It was en-

titled the Outer Continental Shelf Deepwater Royalty Relief Act, Royalty Relief Act. It was the intent of this act to offer royalty relief, royalty suspension in certain tracts in the Gulf of Mexico in order to create an incentive to get the oil companies, both large and small, to actually bid on these leases, to spend money to promote them, develop them and hopefully find some commercial production.

There was no mistake about it. It was the intention of the act to sign some leases that did not have royalty or had a lesser royalty than was commonly in place. Now, remember at this point in time oil was selling for \$10 to \$15 a barrel, and there was no production, there was no exploration, or very little exploration going on.

Section 303 of that act established a new bidding system that allowed the Secretary of the Interior to offer tracts with royalty suspensions for a period, volume or value that the Secretary so determines. Now, section 304 of that ACT went on and says that all tracts, a-1-1, all tracts that were off within 5 years of the date of enactment in deepwater; that is, water that is at least 200 meters deep, had to be offered under a new bidding system, had to be, not could be, might be, had to be.

This new bidding system had a royalty clause in it, but the royalty clause was based on volume of production and is also based on the depth of the water. The deeper the water was, the less the volume was that you had to produce before you triggered a royalty.

In other words, if you were in the deepest water in the gulf that was leased, you could produce up to 87 million barrels of oil without paying a royalty. That is a lot of oil, 87 million barrels is a lot of oil.

So we, those of us that were in the Congress, in the mid-1990s, passed a Royalty Relief Act, it is in the title. It says, if you will put your hard-earned dollars and go out and bid on these leases, and you win one of those leases, if it is in the deepwater, we are putting in a bidding system, and under this bidding system you may have to pay a royalty based on how much you produce but you won't pay a royalty based on the price.

Now, we only offered these leases for, I think, 2 years, 571 were actually bid on. Of those, about half, I think, were accepted. Of those, we discovered we have current production in 19 of them, 19.

Now, after the fact, we can come back here in 2007, when prices are at \$50 a barrel, and say that was a bad deal 12 years ago, we should not have done it. But 12 years ago oil was at \$10 a barrel. We had no domestic exploration going on. We passed a specific act of Congress that said give this royalty relief. Today we are, in hindsight, saying take it away. That is wrong, and I oppose the bill.

Mr. Speaker, during the 2006 campaign we were promised civility and "playing by the rules, following regular order." Today, like the

rest of the 110th Congress so far, we face the extreme opposite: government by martial law and bumper sticker. Mr. Speaker, your bumper stickers worked in the campaign but they are not governance worthy of the American people and it won't take time for the people to understand the difference.

The last major energy legislation enacted by Congress was the Energy Policy Act of 2005. It was a long and heavy lift. We had countless hours of hearings before the Committee on Energy and Commerce. Committee mark-up seemed to take forever because of the many amendments offered by Members on both sides of the aisle.

And then there was the exhausting conference with the Senate. Many provisions were negotiated in excruciating detail. What did it give us? One of the most important, historic, and consequential pieces of comprehensive legislation in history. It has already directly accounted for several liquefied gas facilities, new nuclear plant announcements, vastly improved electricity transmission reliability, and impressive capital investment in solar, wind, and other renewables.

Did the minority party participation slow things down? You bet it did, but it also improved the product. I am proud of the 70 Democrat votes on final passage but especially of one vote, that of our new chairman of the Committee on Energy and Commerce, the gentleman from Michigan. We earned each other's support for the final product.

Today, by contrast, we have a bumper sticker: "Stick it to Big Oil." That's a cute bumper sticker, but, please, Mr. Speaker, don't use it to govern with because you are only hurting the very people who sent us all here.

In 2004 we agreed that the JOBS Act was important for keeping American manufacturing and production here at home in the face of an increasingly competitive global market. Today we're saying, "all that is still true—let's keep the JOBS Act, except we will carve out one industry for which we don't want American production, American manufacturing, American jobs: the energy industry. No, we'd rather tip the scales so that global companies with American operations in the energy industry will take their jobs and production off shore where they are more welcome: say Nigeria, or Iran, or Venezuela.

Last year virtually all Members recognized the disturbing shortage of U.S. based refining capacity. We had various ideas to address it and virtually every Member of this body voted for one or the other. But driving refineries off shore was on nobody's agenda. Why is it on your's?

Meanwhile, as off-shore energy prices spike as a direct, inevitable result, so do consumer prices for commuters, and soccer moms, and grandmothers struggling to pay home heating.

These prices matter to our constituents in places like Indiana, Kentucky, Ohio, Texas, and other States.

Mr. Speaker, why must you turn every bumper sticker into more taxes and more spending? Why throw \$14 billion into the Department of Energy to produce energy? In its entire history with all its billions, how much electricity, how much transportation fuel has DOE really created?

Let's turn back, see this H.R. 6 bumper sticker for what it really is and have the courage to say, "The bumper sticker was for last year, now it's time to govern and to put the

people of America first." I urge a "no" vote on final passage.

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 260

RIN 1010-AC14

Royalty Relief for New Leases in Deep Water

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The Secretary of the Interior is authorized to offer Outer Continental Shelf (OCS) tracts in parts of the Gulf of Mexico for lease with suspension of royalties for a volume, value, or period of production. This applies to tracts in water depths of 200 meters or more. This final rule specifies the royalty-suspension terms for lease sales using this bidding system.

DATES: This final rule is effective February 17, 1998.

FOR FURTHER INFORMATION CONTACT: Walter Cruickshank, Chief, Washington Division, Office of Policy and Management Improvement, at (202) 208-3822.

SUPPLEMENTARY INFORMATION:

I. Background

Legislative

On November 28, 1995, President Clinton signed Public Law 104-58, which included the Outer Continental Shelf Deep Water Royalty Relief Act ("Act"). The Act contains four major provisions concerning new and existing leases. New leases are tracts leased during a sale held after the Act's enactment on November 28, 1995. Existing leases are all other leases.

First, section 302 of the Act clarifies the Secretary's authority in 43 U.S.C. 1337(a)(3) to reduce royalty rates on existing leases to promote development, increase production, and encourage production of marginal resources on producing or non-producing leases. This provision applies only to leases in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude.

Second, section 302 also provides that "new production" from existing leases in deep water (water at least 200 meters deep) qualifies for royalty suspensions if the Secretary determines that the new production would not be economic without royalty relief. The Act defines "new production" as production (1) From a lease from which no royalties are due on production, other than test production, before the date of the enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or (2) resulting from lease development activities under a Development Operations Coordination Document (DOCD), or supplement thereto that would expand production significantly beyond the level anticipated in the DOCD approved by the Secretary after the date of the Act. The Secretary must determine the appropriate royalty-suspension volume on a case-by-case basis, subject to specified minimums for leases not in production before the date of enactment. This provision also applies only to leases in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude.

Third, section 303 establishes a new bidding system that allows the Secretary to offer tracts with royalty suspensions for a period, volume, or value the Secretary determines.

Fourth, section 304 provides that all tracts offered within 5 years of the date of enactment in deep water (water at least 200 meters deep) in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude, must be offered under the new bidding system. The following minimum volumes of production are not subject to a royalty obligation:

17.5 million barrels of oil equivalent (MMBOE) for leases in 200 to 400 meters of water;

52.5 MMBOE for leases in 400 to 800 meters of water; and

87.5 MMBOE for leases in more than 800 meters.

Regulatory

On February 2, 1996, we published a final rule modifying the regulations governing the bidding systems we use to offer OCS tracts for lease (61 FR 3800). New §260.110(a)(7) implements the new bidding system under section 303 of the Act.

We published an advance notice of proposed rulemaking (ANPR) in the FEDERAL REGISTER on February 23, 1996 (61 FR 6958), and informed the public of our intent to develop comprehensive regulations implementing the Act. The ANPR sought comments and recommendations to assist us in that process. In addition, we conducted a public meeting in New Orleans on March 12-13, 1996, about the matters the ANPR addressed.

On March 25, 1996, we published an interim final rule in the FEDERAL REGISTER (61 FR 12022) specifying the royalty-suspension terms under which the Secretary would make tracts available under the bidding system requirements of sections 303 and 304 of the Act. We issued an interim final rule, in part, because we needed royalty relief rules in place before the lease sale held on April 24, 1996. However, in the interim final rule we asked for comments on any of the provisions and stated that we would consider those comments and issue a final rule. This final rule now modifies some of the provisions in the March 25, 1996, interim final rule.

On May 31, 1996, we published another interim final rule in the FEDERAL REGISTER (61 FR 27263) implementing section 302 of the Act. The interim final rule established the terms and conditions under which the Minerals Management Service (MMS) would suspend royalty payments on certain deep water leases issued as a result of a lease sale held before November 28, 1995. (The rule also contained provisions dealing with royalty relief on producing leases under the authority granted the Secretary by the OCS Lands Act.) We again asked for comments that we would consider before issuing a final rule.

Simultaneous with the publication of this rule, we are issuing another final rule (RIN 1010-AC13) to replace the interim final rule implementing section 302 of the Act. The final rule will revise 30 CFR 203 to establish conditions for suspension of royalty payments on certain deep water leases issued as a result of lease sales held before November 28, 1995.

II. Responses to Comments

One respondent—Exxon Exploration Company (Exxon)—submitted comments on the Interim Final Rule for Deep Water Royalty Relief for New Leases, issued March 25, 1996.

Exxon disagreed with our definition of the term "Field" (§260.102). Exxon said that our definition could be applied in such a way as to place unrelated and widely separated reservoirs within the same field. Exxon offered an alternative definition that it said provides for the creation of fields based on geology by allowing the inclusion of separate reservoirs in the same field when there is a meaningful geologic relationship between those reservoirs and avoids inclusion of reservoirs when such a relationship does not exist.

Exxon offered this alternative definition:

"Field means an area consisting of a single hydrocarbon reservoir or multiple hydrocarbon reservoirs all grouped on or related to same local geologic feature or stratigraphic trapping condition. There may be two or more reservoirs in a field that are separated vertically by intervening impervious strata. Separate reservoirs would be considered to

constitute separate fields if significant lateral separation exists and/or they are controlled by separate trapping mechanisms. Reservoirs vertically separated by a significant interval of nonproductive strata may be considered as separate fields when their reservoir quality, fluid content, drive mechanisms, and trapping mechanisms are sufficiently different to support such a determination."

Except for a minor editorial change, we have decided to leave the definition of "Field" unchanged from the interim final rule for the following reasons:

The definition in the interim final rule is similar to, or consistent with, standard definitions used in industry and government, including the American Petroleum Institute, the National Petroleum Council, and the Department of Energy's Energy Information Administration.

We do not segregate reservoirs vertically since the reservoirs are developed from the same platforms and use the same infrastructure. Affected lessees/operators typically make development decisions based on a primary objective(s) knowing that secondary targets exist which they will pursue subsequently.

Reservoir quality, fluid content, and drive mechanisms are not appropriate determinants for field designations. These factors are reservoir performance/recovery issues. Indeed, such information is rarely available to MMS at the time field determinations are made. We have not considered these factors in our past field designations and their inclusion now would complicate the process significantly and lead to too much subjectivity.

Elements of the alternative definition, e.g., "a significant interval of nonproductive strata" and "significant lateral separation" would be difficult to define and even more difficult to apply consistently.

We recognize industry's concerns about field designations. This rule establishes, as discussed below, a process whereby lessees may appeal field designations to the Director, MMS.

Other steps include:

The MMS Field Naming Handbook, which explains our methodology for designating fields, is available on the Internet (www.mms.gov). The Gulf of Mexico Region will entertain suggestions for improvements in the methodology.

We will elevate the level at which we make field definition decisions in the Gulf of Mexico Region. The Chief, Reserves Section, Office of Resource Evaluation, will make these determinations after a lease has a well into the field qualified as producible.

As part of the field designation process, affected lessees/operators will have the chance to review and discuss the field designation with Gulf of Mexico Region personnel before MMS makes a final decision.

III. Summary of Modifications to the Interim Final Rule

As discussed below, we have modified the interim final rule to:

Allow for appeals of field designations;
Clarify when the cumulative royalty-suspension volume ends;

Describe how MMS will establish and allocate royalty-suspension volume in fields that have a combination of eligible leases and leases that are granted a royalty-suspension volume under section 302 of the Act; and

Eliminate the reference to a pressure base standard in the provision for the conversion of natural gas to oil equivalency (§260.110(d)(14)). The rule now indicates you must measure that natural gas in accordance with the procedures set forth in 30 CFR 250, subpart L.

1. We have added a new provision (§260.110(d)(2)) establishing that you or any

other affected lessees may appeal to the Director the decision designating your lease as part of a field. The Director's decision is a final agency action subject to judicial review.

2. The preamble to the interim final rule indicated that a royalty-suspension volume would continue until the end of the month in which cumulative production from eligible leases in the field reached the royalty-suspension volume for the field. The interim final rule itself did not include this provision. This final rule now includes a provision (§260.110(d)(10)) that a royalty-suspension volume will continue through the end of the month in which cumulative production from leases in the field entitled to share the royalty-suspension volume reaches that volume. The purpose of this provision is to avoid the complications that would occur for royalty payors if the royalty rate changed in the middle of the month.

3. We have modified §260.110(d)(9) and added a new §260.110(d)(10) to describe how MMS will establish and allocate royalty-suspension volumes in fields having a combination of pre-Act and eligible leases. (Pre-Act leases are defined as OCS leases issued as a result of a sale held before November 28, 1995; in a water depth of at least 200 meters; and in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude. See 30 CFR 203.60 through 203.80). The provisions are necessary to account for and ensure consistency with the deep water royalty relief rules for pre-Act leases (§203.60). We published the interim final rule for pre-Act leases on May 31, 1996 (61 FR 27263), after publication of the interim final rule for new leases in deep water on March 25, 1996.

We have added wording in §260.110(d)(9) for cases where an eligible lease is added to a field that includes pre-Act leases granted a royalty-suspension volume under section 302 of the Act. This rule provides that the addition of the eligible lease will not change the field's established royalty-suspension volume. The added lease(s) may share in the suspension volume even if the volume is more than the eligible lease would qualify for based on its water depth.

The new §260.110(d)(10) describes a case where pre-Act leases in a field that includes eligible leases apply for and receive a royalty-suspension volume larger than the suspension volume established for the field by the eligible leases. This rule provides that the eligible leases may share in the larger suspension volume to the extent of their actual production until cumulative production by all lessees equals the royalty-suspension volume.

4. This final rule states that lessees must measure natural gas in accordance with 30 CFR 250, Subpart L. We have eliminated the specific measurement procedures from the interim final rule because a forthcoming final rule will change those procedures.

IV. Administrative Matters

Executive Order (E.O.) 12866

This rule is a significant rule under E.O. 12866 due to novel policy issues arising out of legal mandates. You may obtain a copy of the determination from MMS. The Office of Management and Budget (OMB) has reviewed this rule.

Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that the primary impact of this rule, i.e., royalty relief to spur deep water oil and gas development, may have a significant effect on small entities although we can't estimate their number at this time. The number of small entities affected will depend on how many of them acquire leases that meet the statutory and regulatory criteria for

royalty relief at lease sales between November 28, 1995, and November 28, 2000.

Exploration and development activities in the deep water areas of the Gulf of Mexico have traditionally been conducted by the major oil companies because of the expertise and financial resources required. "Small entities" (classified by the Small Business Administration as oil and gas producers with fewer than 500 employees) are increasingly active on the OCS, including in deep water, and we expect that trend to continue. The only firm to whom we have granted royalty relief so far under section 302 of the Act is a small entity.

In any case, this rule will have positive impacts on OCS oil and gas companies, large or small. Royalty relief in the form of a royalty-suspension volume is automatically established for leases that meet the statutory and regulatory criteria. No applications or special reports are necessary.

The beneficial effect of this relief on companies' financial operations will be substantial. Once we determine that a lease is eligible for a royalty-suspension volume, the value of that relief may range from tens of millions of dollars to over \$100 million. The suspensions will allow companies to recover more of their investment costs before paying royalties, which may allow greater opportunity for small companies to operate in deep water.

This rule also will have a very positive impact on small entities. Constructing and equipping the platforms and other infrastructure associated with deep water development are huge projects that involve not only large companies but numerous small businesses nationwide as well. Once the platforms are operational, other small businesses will provide supplies and services.

Paperwork Reduction Act

This rule contains no reporting and record-keeping requirements subject to the Paperwork Reduction Act of 1995.

Takings Implication Assessment

DOI certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights. A Takings Implication Assessment prepared pursuant to E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, is not required.

Unfunded Mandates Reform Act of 1995

DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this final rule will not impose a cost of \$100 million or more in any given year on State, local, and tribal governments, or the private sector.

E.O. 12988

DOI has certified to OMB that this regulation meets the applicable standards provided in section 3(b)(2) of E.O. 12988.

National Environmental Policy Act

We examined this rulemaking and have determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

List of Subjects in 30 CFR Part 260

Continental shelf, Government contracts, Minerals royalties, Oil and gas exploration, Public lands—mineral resources.

Dated: September 22, 1997.

Sylvia V. Baca,

Assistant Secretary,

Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR part 260, as follows:

PART 260—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

1. The authority citation for part 260 continues to read as follows:

Authority: 43 U.S.C. 1331 and 1337.

2. In §260.102, the definitions for “Eligible lease” and “Field” are revised to read as follows:

§ 260.102 Definitions.

* * * * *

Eligible lease means a lease that results from a sale held after November 28, 1995; is located in the Gulf of Mexico in water depths 200 meters or deeper; lies wholly west of 87 degrees, 30 minutes West longitude; and is offered subject to a royalty-suspension volume authorized by statute.

Field means an area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same general geological structural feature and/or stratigraphic trapping condition. Two or more reservoirs may be in a field, separated vertically by intervening impervious strata, or laterally by local geologic barriers, or by both.

* * * * *

3. In §260.110, paragraph (d) is revised to read as follows:

§ 260.110 Bidding systems.

* * * * *

(d) This paragraph explains how the royalty-suspension volumes in section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act, Public Law 104-58, apply to eligible leases. For purposes of this paragraph, any volumes of production that are not royalty bearing under the lease or the regulations in this chapter do not count against royalty-suspension volumes. Also, for the purposes of this paragraph, production includes volumes allocated to a lease under an approved unit agreement.

(1) Your eligible lease may receive a royalty-suspension volume only if your lease is in a field where no current lease produced oil or gas (other than test production) before November 28, 1995. Paragraph (d) of this section applies only to eligible leases in fields that meet this condition.

(2) We will assign your lease to an existing field or designate a new field and will notify you and other affected lessees of that assignment. Within 15 days of that notification, you or any of the other affected lessees may file a written request with the Director, MMS, for reconsideration accompanied by a statement of reasons. The Director will respond in writing either affirming or reversing the assignment decision. The Director's decision is final for the Department and is not subject to appeal to the Interior Board of Land Appeals under 30 CFR part 290 and 43 CFR part 4.

(3) The Final Notice of Sale will specify the water depth for each eligible lease. Our determination of water depth for each lease is final once we issue the lease. The Notice also will specify the royalty-suspension volume applicable to each water depth. The minimum royalty-suspension volumes for fields are:

(i) 17.5 million barrels of oil equivalent (MMBOE) in 200 to 400 meters of water;

(ii) 52.5 MMBOE in 400 to 800 meters of water; and

(iii) 87.5 MMBOE in more than 800 meters of water.

(4) When production (other than test production) first occurs from any of the eligible leases in a field, we will determine what royalty-suspension volume applies to the eligible lease(s) in that field. The determination is based on the royalty-suspension volumes specified in paragraph (d)(3) of this section.

(5) If a new field consists of eligible leases in different water depth categories, the royalty-suspension volume associated with the deepest eligible lease applies.

(6) If your eligible lease is the only eligible lease in a field, you do not owe royalty on

the production from your lease up to the applicable royalty-suspension volume.

(7) If a field consists of more than one eligible lease, payment of royalties on the eligible leases' initial production is suspended until their cumulative production equals the field's established royalty-suspension volume. The royalty-suspension volume for each eligible lease is equal to each lease's actual production (or production allocated under an approved unit agreement) until the field's established royalty-suspension volume is reached.

(8) If an eligible lease is added to a field that has an established royalty-suspension volume as the result of an approved application for royalty relief submitted under 30 CFR part 203 or as the result of one or more eligible leases having been assigned previously to the field, the field's royalty-suspension volume will not change even if the added lease is in deeper water. If a royalty-suspension volume has been granted under 30 CFR part 203 that is larger than the minimum specified for that water depth, the added eligible lease may share in the larger suspension volume. The lease may receive a royalty-suspension volume only to the extent of its production before the cumulative production from all leases in the field entitled to share in the suspension volume equals the field's previously established royalty-suspension volume.

(9) If a pre-Act lease(s) receives a royalty-suspension volume under 30 CFR part 203 for a field that already has a royalty-suspension volume due to eligible leases, then the eligible and pre-Act leases will share a single royalty-suspension volume. (Pre-Act leases are OCS leases issued as a result of a sale held before November 28, 1995; in a water depth of at least 200 meters; and in the Gulf of Mexico west of 87 degrees, 30 minutes West longitude. See 30 CFR part 203.) The field's royalty-suspension volume will be the larger of the volume for the eligible leases or the volume MMS grants in response to the pre-Act leases' application. The suspension volume for each lease will be its actual production from the field until cumulative production from all leases in the field equals the suspension volume.

(10) A royalty-suspension volume will continue through the end of the month in which cumulative production from leases in a field entitled to share the royalty-suspension volume reaches that volume.

(11) If we reassign a well on an eligible lease to another field, the past production from that well will count toward the royalty-suspension volume, if any, specified for the field to which it is reassigned. The past production will not count toward the royalty suspension volume, if any, for the field from which it was reassigned.

(12) You may receive a royalty-suspension volume only if your entire lease is west of 87 degrees, 30 minutes West longitude. A field that lies on both sides of this meridian will receive a royalty-suspension volume only for those eligible leases lying entirely west of the meridian.

(13) Your lease may obtain more than one royalty-suspension volume. If a new field is discovered on your eligible lease that already benefits from the royalty-suspension volume for another field, production from that new field receives a separate royalty suspension.

(14) You must measure natural gas production subject to the royalty-suspension volume as follows: 5.62 thousand cubic feet of natural gas, measured in accordance with 30 CFR part 250, subpart L, equals one barrel of oil equivalent.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 1 minute to the distinguished chairman of the Subcommittee on Livestock, Dairy and Poultry, Mr. BOSWELL of Iowa.

Mr. BOSWELL. Thank you, Mr. Chairman, for this opportunity to say a few words about this bill.

Mr. Speaker, I support it without reservation, in contrast to my colleague from Iowa, another person who spoke a moment or two ago. I really support this. Farmers across Iowa, across the Midwest, across the country, realize that this is an opportunity for us to be more self-sufficient.

I, some 30 years ago, was stationed as a soldier in Portugal when we had the first oil crisis, and I realized that the chaos that took place, that we are in bondage to OPEC. It was really bad then, but now it is even worse. We are up to 65 percent import.

Here is something we can grow out of ground this year. It is the thing to do. It is environmentally sound. We grow it out of the ground this year. We can turn around and grow it next year and have a great step forward and be independent in our energy production.

I hope that everybody will support this bill. It is a good thing all the way around, not just the farmers, it is good for everybody. Support H.R. 6.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, this is a tough vote for some of us here this afternoon. For me, I support greater spending, spending for alternative fuel, so that we can lessen our dependence on foreign oil. For me I am appalled at the ineptness and bungling of the Interior Department's troubled program to collect royalties on oil and gas and public lands in both the Clinton and Bush administrations. It needs to be investigated, and it needs to be remedied.

But other items in this legislation, specifically the repeal of section 199, which will likely drive more refinery production elsewhere overseas, and thus more jobs, is not right.

When JOE BARTON was chairman of the Energy and Commerce Committee, he was rightly proud of the process. It was open and, indeed, bipartisan. Lots of debate, Democrats and Republicans, and lots of amendments were accepted, Democrats and Republicans, and the proof was in the pudding. We passed a bipartisan bill, energy bill, which included the vote of Mr. DINGELL, the chairman today of the Energy and Commerce Committee.

Nobody saw this bill until late last week. No hearings, no markup in subcommittee or full committee, no amendments on the House floor allowed. We know this bill is going to pass, but listening to the debate, I know it could have been a much better bill and one that could have been called bipartisan, and it would pass by a much larger margin than it will this afternoon.

Maybe the margin of the vote could have helped us with the Senate to actually get the bill to the President's desk for his signature, rather than a veto. I urge my Republican colleagues to vote “no” so that we can truly pass a bill that will do something for our constituents in our country.

Mr. Speaker, this is a tough vote for some of us.

For me, I support greater funding of alternative fuels so we can lessen our dependence on foreign oil.

For me, I'm appalled by the ineptness and bungling of the Interior Department's troubled program to collect royalties on oil and gas on public lands in both the Clinton and Bush Administrations and it needs to be investigated and remedied.

But other items in this legislation—specifically the repeal of Sec. 199 which will likely drive more refinery production elsewhere, and therefore jobs, is not right.

When JOE BARTON was Chair of the Energy and Commerce Committee, he was rightly proud of the process. It was open and indeed bi-partisan. Lots of debate (Democrat and Republican) and amendments accepted (Democrat and Republican).

And the proof was in the pudding—we passed on a bi-partisan vote which included the vote of Mr. DINGELL—the new Chair of the Committee on Energy and Commerce.

Nobody saw this bill on the Republican side until Friday of last week, no hearings, no markup in subcommittee or full committee and no amendments on the Floor. This bill will pass, but listening to the debate, I know it could have been a much better bill and one that really could be called bi-partisan and pass by a much greater margin than it will today.

And maybe—the margin of that vote would help us, with the Senate, to actually get the bill to the President's desk for signature rather than a veto.

I urge my Republican colleagues to vote "no" so we can truly pass a bill that will do something for our constituents.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 2 minutes to a leader on the Agriculture Committee and in the Congress on renewable fuels, the distinguished gentlelady from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I thank my chairman for yielding.

I rise today in strong support of this bill, the CLEAN Energy Act of 2007.

It is the capstone of the Democrats 100-hour agenda for America, and it is also a significant step towards fulfilling our commitment to meeting our Nation's growing energy needs with clean, homegrown, renewable sources. This bill will redirect roughly \$14 billion of taxpayers's money to help fund important existing renewable energy programs, accelerate the development of new and more aggressive renewable energy initiatives and technologies and promote energy efficiency.

The biofuels industry, though still in its infancy, is already providing much needed income to thousands of family farmers and rural citizens across the Great Plains and across the Midwest. It has proven to be a vital economic lifeline to hundreds of communities.

It is the tip of the iceberg. This bill will provide additional funding to further advance research and development in order to greatly diversify the feedstock used to produce biofuels, including cellulosic ethanol. This will include not only dedicated energy crops, but also crop residue, municipal waste, woody biomass and a whole source of other inexpensive renewable sources.

The benefits that will flow from this bill are broader than just biofuels. It can also promote the development of wind energy in this country. In addition to having considerable corn and biomass resources for the production of biofuels in my home State of South Dakota, we also have been blessed with an abundance of wind.

In fact, the Dakotas have been called the Saudi Arabia of wind energy. For decades wind energy development in this country has been hamstrung by inadequate and erratic Federal support.

I look forward to working with my colleagues to enact long-term incentives to provide the certainty and the resources to vastly increase the role of wind in our Nation's energy picture. This bill reprioritizes our national energy policy and our future investments in a way that recognizes the unique challenges, but also the undeniable strengths of rural America. We truly have the solution to our national energy crisis growing in and blowing over our fields.

□ 1600

This bill is a strong statement of our commitment to an energy policy that decreases our dependence on foreign oil, benefits the environment, enhances our national security, and revitalizes rural America's economies, and I urge all my colleagues to support it.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), the chairman of the General Farm Commodities Subcommittee and a leader on renewable fuels on the committee and in the Congress.

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me congratulate Speaker PELOSI and the House Democratic leadership for bringing this legislation to the floor for a new direction for America's energy independence. Last Congress, I had the honor of serving with Congresswoman STEPHANIE HERSETH as co-chairs of the Speaker's Rural Working Group. Working with leaders like Chairman COLLIN PETERSON, we identified biofuels as a win-win for America's energy needs.

Over the past few years, as gas prices have steadily risen higher and higher, there has been no significant legislation passed in this body to gain our energy independence. Anyone who has filled up his or her gas tank in the past year knows that gas prices are highly volatile and really too high for the average American.

Yet while Americans are struggling to make ends meet, oil companies are making record profits. As a former small businessman in North Carolina and as a part-time farmer, I believe it is our duty to find alternatives for

what can become a dangerous reliance on foreign oil.

And let me be clear, our Nation has the capacity to gain its energy independence. H.R. 6 will promote this by creating a renewable fuel standard requiring that, by 2015, 15 percent of our fuels be renewable. This legislation will also extend and expand tax credits for ethanol and biodiesel. It will extend loan guarantees to farmers to produce renewable energy, and it will increase and expand tax credits to promote the use of flex fuel vehicles.

Today we have the technology to solve our energy crisis growing in our fields. We have the ability to turn soybeans and peanuts, both grown in large amounts, I should say, in my home State of North Carolina, into biodiesel, and the technology to turn sugar cane and corn into ethanol. What we haven't had up to this point is the leadership to develop the infrastructure needed to facilitate the use of these fuels.

This legislation before us today will begin to do just that. I encourage my colleagues to vote for H.R. 6.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), the Chair of the Agricultural Appropriations Committee and a leader on agriculture issues and energy independence.

Ms. DELAURO. Mr. Speaker, the need to move our Nation toward energy independence has never been clearer, yet this administration has stood by, leaving consumers struggling to pay their winter heating bills as oil companies continue to enjoy billions in record profits.

With this legislation, we can recover \$14 billion in unnecessary oil and gas subsidies and target that money toward where it should have been going all along, into renewable energy sources created right here at home, into alternative fuels grown on our farms and energy-efficiency technologies, creating jobs, protecting our consumers and our economy.

We could generate over 800,000 jobs by 2010, jobs from the Great Plains to the Northeast. In Bethlehem, Connecticut, we have the first biodiesel production plant in New England, in partnership with Maryland and Delaware soybean growers.

By supporting this legislation, we have an opportunity to begin bridging the cultural, economic and social divide growing between rural America and other parts of the country. It starts with investments. It starts with this bill. Let us take control of our energy policy. Let us put our country on the path to energy independence and reenergize our farm economy.

Let's pass this bill.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I look forward to the day when we can work across the aisle to do what I have heard so many of the speakers here today talk about doing in terms of encouraging greater production of renewable energy here in the

United States. The committee will look forward to doing that, indeed.

But this legislation doesn't do it. Unfortunately, it doesn't do it because of the very closed rule that we pointed out throughout the Democrats' 100 hours; no openness whatsoever, in contrast to the Contract with America, when Democrats offered 154 amendments. In fact, 48 were adopted.

We could have spelled out in good legislation, if it had been through the committee process and we had held hearings and markups in each of the committees represented here today, to say what we were going to use this money for.

But, instead, what we are asked to do is vote for a tax increase on domestic production of energy, no tax increase on Venezuela and Hugo Chavez, no tax increase on Iran, no tax increase on any Middle Eastern country, no jobs lost over there, but jobs lost in the United States and American consumers paying for it at the gas pump and American farmers and ranchers paying for it with increased energy cost.

Oppose this legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have been around agriculture all my life, and I have never seen the excitement that is generated by this opportunity, because not only are we going to have economic benefits; we are going to help get this country off oil dependence.

The internal combustion engine and diesel engine were invented to run on alcohol and peanut oil. They went to gasoline because it was cheaper and I guess more available. Well, times have changed and we are going back to the future, and this legislation is going to give us the opportunity and the resources to do that.

So I encourage everybody to support H.R. 6.

The SPEAKER pro tempore. All time has expired.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 15 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a father of a 5-year-old daughter, I am deeply concerned about the future of our country. I am concerned that our children could be the first generation of Americans that do not have a better quality of life than their parents. I am concerned about the availability of quality jobs for our children. I am concerned that our country's competitive position in the world will continue to deteriorate. And I am concerned that our country will not have access to energy supplies needed to sustain our economy and our growth.

For far too long, our country has relied on foreign sources of oil to meet

our energy needs. This dependency is bad for our economic security, it is bad for our national security, it harms our ability to create new quality jobs, and it harms our ability to maintain our competitive position in the world. Ten years from now, I want to look at my daughter and know that I did my part to find a solution.

The bill we are considering today will make a significant down payment for the development of new energy technologies. A stable domestic energy supply is essential to economic well-being and security of our Nation. For years, we have been chipping away at energy policy, increasing production here, a tax incentive there, funding energy R&D when it is convenient, and letting programs languish when it is not.

It is time we think of new ways to approach this problem. Replacing traditional energy sources requires an unprecedented basic research and development technology effort. We must be a world leader, developing new technologies and sustainable energy sources that will maintain our competitive position.

As chairman of the Science and Technology Committee, you have my commitment that our committee will be doing our part. We will be working to use R&D to accelerate the production and use of new biofuels, increase the use of renewable energy, like solar, wind, geothermal, and boost energy efficiency in part by making the Federal Government a model of conservation.

We will not ignore the potential contribution of clean coal, carbon capture and storage technologies and better, cleaner ways to produce oil and gas. And we will not shy away from engaging in a thoughtful dialogue of the role of nuclear power. In these ways, we will help ensure a strong, secure energy future for our children and help manufacturers keep jobs here by ensuring a stable, reliable, and affordable energy supply.

Mr. Speaker, today I will have the privilege of yielding my time to the next generation of leaders in the energy debate. These new members of the Committee on Science and Technology came to Washington to change things and to make a difference. This is their chance. This is their opportunity to leave a legacy that includes the creation of a reasonable, balanced, and effective energy policy for years to come. I am proud I can join with them in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today, of course, in opposition to H.R. 6. While I would like to believe that we all have the same goal in creating energy independence for our country, I really regret that this bill before us today would not lead us to that goal. This is really, I am very fearful, just the initial attack or one of the early attacks on an indus-

try that is going to have other attacks this year, that survived the windfall profit tax that passed during the Jimmy Carter years of disaster, as far as energy was concerned.

This energy act is more likely to increase the dependence on foreign oil. By decreasing after-tax revenues for oil and gas companies, including the small independent producers that are considered small businessmen, the effect will be an increase in the cost of energy to consumers and a decrease in domestic exploration and production of oil and natural gas, because companies will have less money available to them for their activities.

This will, of course, require our country to import more oil and natural gas from countries that are not our natural allies. We will be dependent on these countries and to the OPEC group to supply us with the lifeblood of our economy. I just can't in good conscience vote for anything that would have that type of outcome.

I have said all along that this country will fight for energy, and the way to prevent our sons and daughters and grandsons and granddaughters from having to go overseas to take some oil away from someone or another country is to ensure that we utilize our own natural resources efficiently and effectively.

I am well aware that drilling alone on U.S. soil is not going to quickly solve all of our problems. I know that we also need to expand our usage of renewable energy and increase the efficiency of how we use fossil fuels. This is why I am supportive of the legislation that passed last Congress on a voice vote under suspension of the rules by my colleague from Illinois, Congresswoman BIGGERT. Among other initiatives, her bill supports the development and advancement of renewable energy in areas such as solar, wind, biofuels, coal, and encourages energy efficiency in buildings and technology.

I am fully supportive of seeing these initiatives enacted now. We have unanimous bipartisan support. Why do we need to wait for "subsequent legislation," as is stated in the Rahall bill? Let's not wait any longer to ensure energy independence.

The United States has substantial amounts of oil and natural gas, but our laws prevent our domestic companies from accessing these resources in both onshore and offshore areas. In fact, we are the only country in the world that has limited ourselves like this. If our goal really is energy independence, then we need to increase access to our domestic resources, not increase taxes on one industry.

□ 1615

The point to remember here is that the Tax Code has little to do with the increase in energy prices. So penalizing oil and gas companies by increasing their taxes is not going to solve our energy problem.

Make no mistake, this country will fight for energy, and if we have to we

will send our sons and daughters across the ocean to take energy away from someone when we have plenty right here at home.

Let us help our constituents, not hurt them. Vote against H.R. 6.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Indiana (Mr. HILL) and welcome him back to Congress and to the Science Committee, my friend.

Mr. HILL. Mr. Speaker, I thank the gentleman from Tennessee for this time.

Mr. Speaker, I rise in strong support of H.R. 6. When I was campaigning last year back in Indiana, people found it incredible that while they were paying \$3 a gallon for gasoline Congress was giving the oil companies a tax cut. They wanted change because of those kinds of things that Congress was doing.

Well, today, they are going to get their change. Instead of giving tax cuts to oil companies we are going to pour those resources into renewable energy.

My home State of Indiana boasts two premier research universities, Indiana University and Purdue University. Both of these schools have renowned research labs that study a wide range of topics, including alternative energy creation and use.

Indiana has a lot to contribute to the field of alternative energy. My constituents are very involved in biodiesel oil production. It is important to remember this source of alternative energy, as well as ethanol and hydrogen when deciding what types of initiatives to support with the new clean energy fund.

I encourage my colleagues to vote in favor of this bill that will help make the United States truly energy independent.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN) on the Science Committee.

Mr. AKIN. Mr. Speaker, it is a pleasure to be able to discuss the question here about our dependence on foreign oil.

The leadership in the House of Representatives because of the last election has changed, but the problems that confront our Nation remain the same. The question is how are we going to deal with our dependence on foreign oil, and that is a serious question for many reasons.

Well, there are different ways to approach it, but it is certainly hard for the party of the Democrats that are now in charge to advocate a lot of nuclear because they have a lot of people who do not like that. Very well. And they really do not like burning a lot of fossil fuels because of global warming.

Well, what tool are we going to use? Well, we use our favorite tool, a tax increase. The only trouble with a tax increase, though, is what it is going to do

is it is going to make the problem worse because when you increase the taxes on American oil and gas by \$10 billion you make it less competitive, and if they are less competitive that means OPEC fills in the gap.

Now, is this just about the problem of \$3 gasoline? The answer is no. It is about a lot more than that. When you go over to the Middle East, particularly a human rights trip that I took about a year or two ago to Pakistan, what you find is that there is a very nice country by the name of the Saudis who are funding private education so the little kids in Pakistan can learn. Well, until you find out what they are learning. They are being trained to be radical Islamic terrorists. And who is funding this? Saudi oil money, OPEC oil money.

So this question before us today is not just about SUV owners paying \$3 for gasoline. It is a question about where is that money going and the radical Islamists that we are going to fund essentially with this tax increase.

So this is a bill that is trying to deal with a problem that is a serious problem, but a tax increase is not the way to go.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. MITCHELL), the former mayor of Tempe, as well as a former member of the Arizona State Senate.

Mr. MITCHELL. Mr. Speaker, I am proud to be cosponsor of H.R. 6, the CLEAN Energy Act, because it is time for Congress to do more than talk when it comes to investing in clean and renewable energy sources.

During this last election, the American people asked to repeal billions of dollars in indefensible tax giveaways to big oil and invest in new, clean energy technologies that will reduce our dependence on foreign sources of fuel, and this is what we are doing today.

We are keeping our promise to the American people and we are meeting our obligation to our grandchildren and future generations of Americans by improving our national security and protecting our environment.

But there is another important benefit we are talking about today, and this is an important step in growing the American economy and creating good, high paying jobs.

By investing in research and development for solar, wind and other sources of clean energy, we will be tapping the potential of our Nation's most innovative minds and best engineers.

I am particularly excited about investing in solar energy because I believe my State of Arizona can one day be the Middle East of solar energy, and instead of importing energy we can export it around the world.

This bill puts us on the right path.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, it is a three-legged stool if we

are going to get to energy independence. It is alternatives fuels, which there is great promise. There is also the expansion of refineries. We knew that early, and if we were going to have a stable supply and cheaper prices, we needed more refining capability in America. And it was domestic production. You need all three so that we do not send more money to Ahmadinejad and Chavez.

Political theater is what we see here today. A bill that did not go through the committee process gives you this.

I agree, giving \$400 million to a CEO of which they had no material stake in a company is wrong, but what is worse is giving more money to the very people who are targeting the United States and seek our destruction.

Do not fool yourself. This is where this money is going. You make it more expensive to refine gasoline in the United States, this bill does it, they will buy it offshore. You make it more expensive to produce energy in the United States, they will buy it offshore.

These will be the recipients of these dollars. Let us take this bill back and go do it the right way. We can come together on renewable energy. Michigan State University is doing great work on cellulosic research, so we can get to that next generation of ethanol that burns efficiently in American-made automobiles. But we cannot do it if we are sending money to the very people that seek our destruction.

Mr. Speaker, I would strongly urge that we have a little common sense, we close the curtain to this political theater and we get back to the reality of what our policies will really mean for the future of this country. If you care about your children, stop sending the money to Ahmadinejad and Chavez.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY) one of the few Members of this body that really brings real world experience in the renewable energy area.

Mr. MCNERNEY. Mr. Speaker, I thank the gentleman from Tennessee.

Mr. Speaker, the energy policy in this country is neither sustainable nor healthy. Every day we import \$800 million worth of oil, and not only does that put our economy at great risk, but some of that money is going to the very people who would harm us.

Our vote today in H.R. 6, the CLEAN Energy Act of 2007, will begin moving towards a rational and sustainable energy policy.

After spending more than 20 years climbing wind turbines and developing new energy technology, I can tell you that we have not even begun to realize the potential for jobs creation and sustainability in this industry. We need to be doing much more to expand the use of renewable energy. This bill is a first step to diversify our energy sources.

With H.R. 6 we will end billions of dollars of corporate welfare that we

have doled out to big oil companies currently enjoying record profits.

By investing in new energy technologies, we will also create an entire spectrum of good paying jobs right here in America. In fact, the passage of this bill will produce nearly 1 million jobs, generating close to \$30 billion in new wages.

I am pleased that we are doing more than just paying lip service to expanding innovation and clean energy by following through with our responsibility to make the environment livable for future generations.

Mr. Speaker, I look forward to working in a bipartisan way with my colleagues on the Science and Technology Committee to increase innovation and investment in our energy future.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS), a member of the Energy and Commerce Committee.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to the bill on the floor. Supporters of the bill claim that this will boost our energy independence, promote the use of renewable and alternative energy, but looking at this bill, you really cannot find anything that will help us accomplish those goals.

In fact, there are four provisions in this bill that will make us more, not less, dependent on foreign oil by making it more difficult and more expensive to produce the needed energy here in the United States.

The bill specifically disallows energy companies from receiving the domestic manufacturing tax deduction, thereby making it more expensive for them to do business in the United States and more likely that we will be buying our oil from someone outside this country.

Higher energy taxes will be passed on to the consumers in the form of higher gasoline and in the form of higher home energy prices. Similarly, heavy users of oil and natural gas, such as other manufacturers and agricultural producers, will feel the pinch of these higher prices.

Mr. Speaker, I just cannot help but note the irony that film makers will continue to be eligible for this manufacturing deduction, yet in my district I have not had a single constituent complain about our increasing dependence on foreign film.

The bill before us today would repeal the royalty incentives put in place under last Congress' Energy Policy Act of 2005 to encourage the energy production in hard-to-reach and technologically challenging places such as the ultra deepwater Gulf of Mexico and offshore Alaska.

Mr. Speaker, the Gulf of Mexico delivers more oil and more natural gas to United States markets than any other single source. Since approximately 97 percent of America's coasts are off limits for energy production, energy companies are forced to explore for and produce from increasingly difficult-to-reach places.

The incentives included in the energy bill we passed in August of 2005, which now would be repealed by the Democrats, encouraged production in the Gulf of Mexico that will help the Nation meet the production needs of the future.

It is important to note that unlike the 1998–1999 Clinton leases, under every provision in the energy bill, where royalty relief is granted, the Secretary of the Interior is granted the authority to set those price thresholds, to set those price triggers based upon market price.

Producers would not and do not receive royalty relief through the energy bill of 2005 under today's price climate. These provisions provide energy companies with some price certainty, a price floor that they need, that it is necessary to make to justify the billion dollar investments in America's energy.

The bill creates a new Strategic Energy Efficiency Renewables Reserve but does not specify how those funds would be used. Mr. Speaker, I strongly support the increased use of renewable and alternative energy. In fact, Texas has a strong State renewable energy portfolio and is the largest producer of wind energy in the United States, but before we cast our votes today let us be sure what we understand that the bill is for. It is for partisan advantage, not for the good of the American people.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ARCURI), the successor of the former chairman of the Science Committee.

Mr. ARCURI. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise in proud support today of the CLEAN Energy Act of 2007. My constituents in upstate New York know what it is like to have to pay more than most people in the country for energy. They also know what it is like to have to deal with winters that are more severe, and they know that during those winter months they have to adjust their budget to be able to handle the added expense for fuel costs.

But they also know that prices will continue to rise if something is not done to reduce our dependence on foreign oil and fossil fuels.

□ 1630

However, we must address our long-term energy demands with more than just short-term solutions. We have to face the facts, and the fact is that oil is a finite resource. We ought to be investing in a wide array of clean energy.

The giveaways this legislation will reclaim from oil and gas industry will be placed into a renewable energy account to fund research and development of alternative fuels, providing a much needed new direction to address our Nation's growing energy needs.

It is important to note that we don't pass this legislation today for ourselves, but rather we pass this legisla-

tion for our children and our children's children.

Mr. HALL of Texas. Mr. Speaker, may I inquire as to how much time we have left.

The SPEAKER pro tempore (Mr. HINCHAY). The gentleman from Texas has 5 minutes remaining, and the gentleman from Tennessee has 6 minutes remaining.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to Judge POE of Texas, a member of the Transportation Committee.

Mr. POE. I want to thank my friend from Texas for yielding some time.

Mr. Speaker, where I come from in southeast Texas, that area of the State is called the energy capital of the world. We have numerous refineries, petrochemical plants, and hundreds of offshore rigs. Energy byproducts from these areas are shipped all over the country, even to States that won't allow refineries and, heaven forbid, those offshore rigs near their shores.

This is a tax bill, and Economics 101 says when you tax something, you get less of it. Now, we will get less energy because of this bill.

This tax bill will discourage energy independence. It will increase gasoline prices; it will discourage American exploration; it will increase dependence on foreign countries and OPEC; it will cost Americans jobs, especially those in my district. It takes money and invests it in alternative energy.

Investment is a politically correct word for Federal subsidies for special interest groups. Alternative energy is necessary, but this bill doesn't do that, and this bill breaks a contract this government signed. Now we want to legalize contract breaking with oil companies like they do in Bolivia and Venezuela.

So if this bill passes, Americans need to get their checkbooks out because Americans are going to pay more at the pump. Americans always have to pay.

Mr. GORDON of Tennessee. Mr. Speaker, I yield to the former State senator from Arizona (Ms. GIFFORDS), who really has experienced both the private sector and the public sector and will be a great addition to our Science Committee.

Ms. GIFFORDS. Mr. Speaker, I am thrilled today to speak on this final piece of legislation of our first 100 hours and perhaps the most important piece of legislation, the CLEAN Energy Act.

In the early 1960s, in response to the Russians when they launched Sputnik, President Kennedy decided to send a man to the Moon. And remember his words. He said: "We choose to go to the Moon. We choose to go to the Moon in this decade, not because it's easy, but because it's hard." And we did it and we led in science and math and engineering, and it was greatness for our Nation.

These policies led to a major technological breakthrough that benefited

both our military and our economy; and now America faces a greater challenge than ever. How we respond to this challenge will have lasting effects not just for the American people but for the entire world. We put our national security at risk when we are reliant on unstable regimes, Middle Eastern oil, Latin American oil. We put our economy at risk by not adequately investing in science and math and engineering and technology, and we put our world at risk when we ignore the real threats of global warming.

Ending America's addiction to foreign oil, investing in renewable energy, and achieving clean energy independence is the Apollo mission of our generation. This will not just result in better jobs and the creation of hundreds of thousands of new economic opportunities for our citizens, but a more stable and a more sustainable world. The CLEAN Energy Act is a meaningful first step in our new mission, and I look forward to working with both Republicans and Democrats in achieving this goal.

Mr. HALL of Texas. Madam Speaker, I recognize the gentleman from Georgia (Mr. KINGSTON) for 3 minutes.

Mr. KINGSTON. I thank the gentleman for yielding.

Madam Speaker, there is one economic fact that doesn't belong to the Democrats or the Republicans. Facts work that way. And that is, that price in the long run is the cost of production, period. It is true with anything.

What we are doing with this bill, should it pass, is we are increasing the cost of production, specifically, domestic production.

We live in a world where, in 2004, we spent \$103 billion buying oil from non-democratic countries. Now, some of them might be your best friends. Saudi Arabia, for example. Others might be less than your best friends. Of course, I say that tongue in cheek. But Iran, Iraq, Russia, Venezuela, that is who you are buying your oil from today; and you are going to increase the cost of domestic production. It doesn't quite make sense, except for in the context of the last 2 weeks, the context of the transfer of power from Republican to Democrat. We were promised open government; we were promised open rules; we were promised the opportunity to add amendments and to have fair debates. And yet this bill, as has been the case with the five bills before it, did not even have a committee hearing. It is like giving a book report having not read the book.

Sure, it is a power jam, and certainly the majority has the right to jam its power through on the minority. But in this case, wouldn't it have been more helpful to have a committee hearing so we could have gotten rid of what I would call the tuna fish clause?

Now, we know what the tuna fish clause is. Right? That is where we heard over and over again on the minimum wage debate that increasing wages was good for everybody, good for

the economy, good for the worker, particularly the poor worker. And then we read this insidious, surreptitious scheme to exempt American Samoa and the tuna worker factories. Sorry, Charlie, but only the best tuna workers are entitled to minimum wage, not the folks on American Samoa.

Now, that is the tuna fish clause. Now, frankly, I think other States ought to have that option, too. We found out there was a tuna fish clause yesterday in the education bill; and that was that the title of the bill was to decrease the student loan interest rate down to 3.4 percent, but the tuna fish clause in it said that it was only applied for 6 months of the bill. How do you go back home and tell people you cut student loan rates in half when you only did it for 6 months? It is a tuna fish clause.

How do you tell the American people that you are going to have open government, and yet your first six bills bypass the committee process? That is the tuna fish clause.

Today the tuna fish clause is that our domestic oil production is low in terms of our consumption, and we are going to be increasing the cost of the production, which will be passed on to the American consumers.

We do need alternative energy. We need it on a bipartisan basis. I would say to the majority, you missed a great opportunity to work on this.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1 minute to the chairman of the Space and Aviation Committee from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Madam Speaker, I rise in strong support of H.R. 6, and I am compelled to respond to some of the criticisms of the Members of the other party about the intent of this legislation.

It is clear that the oil and gas industry is doing quite well. There are a number of tax breaks, tax credits, tax deductions, and encouragements that are already in place. This bill says the short-term benefits that were extended to the oil and gas community are over-ridden, and that the royalty problems that we have had are going to be revised and solved so that taxpayers get a fair return on their investments. After all, we own these assets as the people of this country.

This starts us finally on the right path by creating a Strategic Energy Efficiency and Renewables Reserve. It says we will set aside \$14 billion to invest in clean energy technologies. And as the Chair of the bipartisan Renewable Energy and Energy Efficiency Caucus, I can tell you that these are crucial technologies not only to protect our environment but to ensure job creation and, as a member of the Armed Services Committee, to ensure our national security.

So I want to stand in strong support of this legislation. We ought to pass it.

The country is for it, and Democrats and Republicans are for it.

I want to echo the views of many of my colleagues who have talked about the importance of diversifying and balancing our energy portfolio and moving toward a clean energy regime. We all know that energy security and national security go hand in hand, and right now we don't enjoy either. That's why—as part of the 100 Hours agenda—we are passing this important legislation. We need a national effort to address our reliance on foreign energy sources.

I rise in support of H.R. 6. H.R. 6 starts us finally on the right path by creating a Strategic Energy Efficiency and Renewables Reserve. The CLEAN Energy Act would set aside roughly \$14,000,000,000 to invest in clean renewable energy resources and alternative fuels, promote new energy technologies, and improve energy efficiency.

As co-chair of the bi-partisan Renewable Energy & Energy Efficiency Caucus, I can tell you that renewable energy and energy efficiency technologies can increase our energy security AND allow us to think anew about our energy future.

This isn't just about doing right by the environment—this is also about creating jobs. The U.S. currently leads the world technology in developing advanced energy technologies. But we won't hold onto the lead for long unless U.S. government policies begin to favor their development more than they do now. With the world market for new energy technologies projected to be in the trillions of dollars in twenty years, we would be foolish to forgo this opportunity.

And it is an opportunity—for new jobs, for rural development, for a cleaner environment, for national security. States and localities have realized this, and with federal action at a standstill, many of them—like my state of Colorado—have already acted on renewable portfolio standards and other forward-looking policies. Now Congress is in a position to follow their lead.

We will use this strategic fund to extend the renewable energy production tax credit to give the market the assurance it needs to respond. We can extend energy efficiency tax incentives for buildings, equipment, and appliances. We can invest in renewable energy and energy efficiency research programs at the Department of Energy, and make sure that the National Renewable Energy Laboratory has enough money and enough staff to do its important work. It is these programs that can drive down costs, make commercialization of new technologies possible, and help retain America's leadership role in these technologies.

The best thing about investing in clean energy is that Americans support it. This Administration supports it. Democrats and Republicans alike support it. It is the right thing to do.

The CLEAN Energy Act sets our priorities straight, and for that reason, Mr. Speaker, I will support it wholeheartedly.

Mr. HALL of Texas. Madam Speaker, I have 30 seconds. We do not need that. I will be glad to yield to Chairman GORDON all 30 of those seconds.

Mr. GORDON of Tennessee. Madam Speaker, I thank my friend from Texas, and I yield myself the balance of my time and his time.

You know, most of my life I have heard of red herrings. Today, I got to hear about a red tuna.

It is amazing to me to think that the opponents of this bill could categorize it as sending money overseas. The fact of the matter is what we are doing is we are going to be developing an energy efficiency, an alternative energy, renewable energy in this country so we don't have to send money overseas. It is just the reverse. And not only are we doing that, we are doing it in an economically responsible way in that we are paying as we go. And that is the reason that we are taking these unneeded tax breaks and using them to help us to develop a new type of energy for this country, new jobs for my children, for your children, and for our Nation.

Madam Speaker, I yield back the balance of my time, and I encourage Democrats and Republicans alike to support this good bill.

Mr. PEARCE. Madam Speaker, I would inquire how much time I have remaining.

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from New Mexico has 5 minutes remaining.

Mr. PEARCE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker and fellow House Members, let's take a look at what we are doing here today. The Democrats say that they are reducing America's dependence on oil by investing in clean, renewable, and alternative resources. Both goals, I agree, are admirable.

In the process, they are trying to unravel a very thorny problem of contracts that were badly negotiated by the Clinton administration, contracts that the Clinton administration made no attempt to remedy. But let's look at what is actually occurring.

In title I, we are penalizing American oil and gas companies and rewarding foreign companies by taxing them differently. That is, we are going to favor foreign jobs and foreign oil over domestic jobs and domestic oil.

The second thing we are doing is charging a conservation fee on U.S.-produced oil while protecting foreign oil from this tax. Now, again, this is \$9. If I could get the House to focus on the percentages for just a moment.

If \$9 is added on top of the \$70 charged to a production company that is making \$70 a barrel, that is about 12.8 percent. But already the price of oil has fallen to about \$52. And if \$9 is assessed into a \$50-a-barrel revenue stream, then it is 18 percent.

But what happens if the price of oil falls to \$30? I would remind my constituents that as little as 3½ years ago the price of oil was actually at \$20. And there, you now have a fee on top of the taxes that is 45 percent. A 45 percent fee will begin to move exploration away from this Nation.

In 1999 and 2000, I was in an oil and gas company that did repairs for oil and gas wells. The price of oil fell to \$6.

At that point, our fee is going to be 150 percent.

This bill is extraordinarily prescriptive in declaring not a percent, but instead a fixed fee. It disadvantaged tremendously the production of oil and gas.

But probably the most serious consequence of this bill is where, on page 10, it describes that "a lessee shall not be eligible to obtain the economic benefit of any covered lease or any other lease."

This is the piece of the bill that The Washington Post declares to be heavy handed, the heavy-handed attack on the stability of contracts, a process that would be welcomed in Russia and Bolivia.

In 2005, Venezuelan President Hugo Chavez mandated that private oil firms cooperate with new contractual changes. Those firms that did not agree had their assets nationalized.

□ 1645

This bill does not nationalize, but it prohibits firms who do not agree from participating in future contracts. It is a very serious contractual problem.

Bolivia in 2006 threatened to expel oil companies that refused to agree to new government terms on already existing contracts. That is extraordinarily close to what we are doing in this bill. What Bolivia did has caused investors to begin to take their investments out of Bolivia.

In Russia, President Vladimir Putin wants to gain complete control, and so he has begun to renegotiate with companies like Shell, Exxon and BP, who have held valid oil leases in Russia for several years. Mr. Putin had a number of government agencies threaten to pull these leases for a number of suspect reasons. That is exactly the language contained in this bill.

I do not think it is the intent of my colleagues on the other side of the aisle to be this heavy handed. This bill would have been presented differently if it had been sent to committee, if it had been debated in committee and if amendments had been allowed. My request is that we vote "no" on this bill and we send it back to the committee where we can get a good hearing to take the very troublesome parts of this bill, troublesome parts which The Washington Post describe as heavy handed and the sort of thing that you would expect in Russia and Bolivia.

In this country, we want an environment that causes people to go out and invest. We want people to create jobs and to create a better standard of living. But this bill begins to undermine the full faith and credit of the United States by changing the contractual basis. I urge my colleagues to vote "no."

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from Louisiana (Mr. McCRERY) has 5½ minutes remaining.

Mr. McCRERY. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, the portion of this bill under my committee's jurisdiction, the Ways and Means Committee, is somewhat complex; but the effect it would have is simple. These provisions raise taxes on our domestic energy industry. We should not mince words or use semantics; that is what those provisions do. They raise taxes on our home-grown domestic energy industry.

The result of that will be higher prices for gasoline, home heating oil, fewer manufacturing jobs and even more dependence on foreign oil. This legislation is in these respects the exact opposite of the energy policy that the United States needs. Anyone who is serious about energy security should oppose this bill.

There are two tax provisions in the legislation. The first deals with geological and geophysical expenses. These costs, referred to as G&G expenses, are amortized over several years, just like other business expenses. The Democrats' bill would increase the amortization period for costs associated with efforts to find new domestic oil and gas from 5 years to 7 years for the largest American oil companies. That would raise their taxes by about \$100 million over 11 years.

But the far larger tax increase is a second provision, and this one is the one that is most unfair. It would eliminate the oil and gas industry, and only the oil and gas industry, from eligibility for the manufacturers' tax incentives, section 199 of the jobs bill. It increases taxes not just on Big Oil but on all oil and gas companies, big and small, that pay corporate taxes. That change will raise the industry's taxes by \$7.6 billion over 11 years. This provision would not repeal any special tax break for Big Oil. It won't repeal any subsidy for Big Oil. Instead, it would single out oil and gas businesses for higher taxes than all other manufacturing businesses in the United States.

Worse, it would not place any additional cost on foreign producers of oil and gas. In effect, the legislation would give a new competitive advantage to foreign oil producers and refiners. Why should Congress vote to help Hugo Chavez's regime in Venezuela at the expense of our own domestic energy industry?

The heart of the Democrats' argument seems to be that somehow energy is not an American manufacturing industry. That conclusion is absurd. The United States energy industry employs 1.8 million Americans. These are precisely the sort of high-paying manufacturing jobs that Democrats constantly complain America is losing. The average pay for those workers is \$19.34 an hour for workers for oil and gas extraction, \$28.41 an hour for refinery workers, and of course they get good benefits in addition to that.

The new Speaker of the House has said, "Manufacturing jobs are the engines that run the economy. These are

good jobs that give working families high standards of living.” And I agree with her.

The new majority leader has said, “Jobs still will be the number one issue next fall, and manufacturing job loss overseas is a subset of that. We’re hearing that giant sucking sound that Perot warned about.”

Well, given that prominent Democrats claim to be concerned about the loss of American manufacturing jobs, why are they now leading an effort to drive these jobs overseas?

We should also remember that these jobs are concentrated in the area of the country that was hardest hit by hurricanes Katrina and Rita. I know in my State of Louisiana, good-paying energy industry jobs are a key to our recovery.

In addition, as we saw in the wake of those storms, our domestic refining is already strained to full capacity. The sticker shock many of us faced at the pump after the hurricanes hit was not as a result of a shortage of crude oil, but a shortage of refined gasoline. There are now plans to substantially boost our refining capacity to avoid a repeat of that situation. But repealing section 199 for American oil and gas companies could change that and leave the United States economy even more vulnerable.

We should also remember during this debate that oil companies are not some sort of evil rapacious organization. Indeed, higher taxes on oil companies affect nearly every American with a retirement or pension account because those accounts now hold about 41 percent of the shares in American oil and gas companies.

Both of these new taxes would discourage new exploration for domestic energy resources and weaken our domestic energy industry, and the tax increases will be passed along to consumers. In addition, the effects will ripple throughout our economy, increasing the cost of nearly everything Americans buy and nearly every service they hire.

Increasing the cost of producing oil and gas in America, which this Democratic bill would do, will raise gasoline prices, ship manufacturing jobs overseas, and make America more dependent on foreign oil.

This bill certainly does not constitute a balanced energy policy for this country. What it does constitute is a purely political exercise that should be rejected by this House.

The SPEAKER pro tempore. The gentleman from Washington (Mr. McDERMOTT) has 5½ minutes remaining.

Mr. McDERMOTT. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, as I listened to my colleague from Louisiana, I would think that the end of the Western World as we have known it is about to descend upon us by these rather minor changes we are making in the tax policy of this country, by taking back

subsidies to an oil industry that between January and September of 2006 has had \$96 billion worth of profit reported.

Now these are minor changes at the most and we know that. This is a down payment on the changes that must go on in this country. We know the American people have spoken on this issue. They are demanding change. That is why they voted the way they did in November. They saw what they got out of the White House and out of the Vice President’s office, the records of which are still kept secret so we don’t know what agreements were made with the oil companies at the beginning of this administration.

I spoke earlier, and after I spoke I went out of the Chamber and I bumped into some people from the National Wildlife Federation, and they gave me 30,000 signatures of people who want this bill to pass, people who care about the environment. People who care about global warming, people who believe in national security, who believe in economic security, signed this in the last 3 weeks. The American people obviously are way ahead of us.

Detroit didn’t know what was going on. The Prius was on the street for 3 years in Tokyo, and they never saw it coming. When the Prius came to the United States, the waiting time was 18 months long. That is what we have to change. We have to change the thinking in this country about whether we are going to be addicted to oil forever or not.

Now global warming is real. The average temperature in the ocean has gone up 1 degree worldwide. In the Northwest, it is up more than 2 degrees. And the changes that means for salmon spawning and for the ecology that goes on are under way. Yesterday’s New York Times had a story about the melting of the glaciers in Greenland. There is no question about whether global warming is happening. The question is whether this Congress will respond and lead the way.

Speaker PELOSI when she came in said she was going to do these things and set a new direction for this country. Today we are finishing up 100 hours of efforts in a whole series of areas, this being the toughest, this being the most complicated, the most costly, the one that is going to take us the most time.

We can change the health care system in fairly short order if we want to. We can change college loans in fairly short order if we want to. But changing the way we use energy in this country needs to start today.

No one says this bill is the be-all and end-all of what should happen, but we can see countries that have done it. In Brazil, they have gotten themselves off gasoline. They are using ethanol. We could do that. The Brazilians are not smarter than we are. They just decided as a country they were going to get off their addiction to oil.

The Danes, when we dropped our support for the wind industry, picked up

the technology and now at every place you go to see a windmill in this country, it is made in Denmark. Why is that? We started that in 1994 with some amendments supporting the wind industry, and then we let them expire.

Last year, 2005, we suddenly woke up and said, Oh my God, the Danes are ahead of us. We better start again. There is a whole series of things that we should be doing if we are serious about what is going to be our future.

Now, I have hoped that we would have a day like this when we would start to make the change. This is one small step. The Chinese say a journey of a thousand miles starts with the first step. This is the first step.

Mr. RAHALL has done an excellent job, and I want to congratulate the staff of the Ways and Means Committee, and particularly John Buckley whose idea this bill was. He came to me with the idea. It was not my idea. It was John Buckley’s and congratulations to John.

Mr. BRADY of Texas. Madam Speaker, I rise today in opposition to H.R. 6, the “Clean Energy Act of 2007.” I agree with Democrats that we need to invest more in renewable energy, including new ways to fuel our cars. But by taxing American companies more for exploring and creating jobs here at home—and letting foreign oil companies off the hook—this bill says foreign oil and foreign jobs are good, American oil and American jobs are bad. That’s just crazy.

It’s bad energy policy—with big costs. Costs to the consumer at the pump, to the refinery worker in the Gulf, and to the retiree whose pension depends on the strength of American industry.

Don’t be fooled—the special tax breaks they say the oil and gas industry gets aren’t special at all. In 2004, at a time when manufacturing jobs were heading overseas by the thousands and we were increasingly worried about our foreign dependence on oil, Congress passed a bill that gave a tax incentive to all American manufacturers to get them to invest more here at home—including oil and gas producers.

A year later, Congress passed the Energy Policy Act that the Democrats say provided huge tax breaks to “big oil.” But they got that wrong, too. According to the non-partisan Congressional Research Service, this bill imposed a net tax increase of nearly \$300 million over the next decade. At the same time, we provided incentives for energy exploration in difficult terrains so that our country could take another step toward weaning ourselves off foreign oil.

And we’re seeing an important result from these policies: Jobs. The U.S. energy sector employs more than 1.8 million Americans, with good pay—up to \$30 an hour on average, and often with union benefits.

In Texas, energy independence is our economy’s life blood. Over 35,000 people work in the oil and gas sector in the Houston area alone, and nearly a quarter of our nation’s crude oil is refined along the Texas Gulf Coast. Drilling is at record levels and reserves of natural gas are growing. Production is holding steady. The cost of oil, which is historically volatile, is down. And while Democrats like to take a swat at record oil and gas profits, these same companies are putting those profits back

into infrastructure and technology—often more than twice their profits in a year. Margins are actually much lower.

But the damage inflicted by Hurricanes Katrina and Rita to our exploration and refining capacity in the Gulf unmasked just how vulnerable our energy sector is. Plans are underway to strengthen that capacity—but that progress could be jeopardized if we place an undue tax burden on our refineries. In an area of the country that's still recovering from these disasters, why strip away even more jobs by taxing an industry that is helping supply thousands?

What's even crazier is that House Democrats will now consider American energy workers, including oil rig and refinery workers, as foreign workers for tax purposes—just so they can raise taxes on U.S. companies. Under this bill, farmers, software designers, and even cartoonists are considered manufacturing workers, but Americans who go to work each day to supply energy for this nation are classified as foreign workers. Explain that.

Democrats like to claim that we need this bill to lower gas and oil prices. I'm not sure who came up with that theory, but common sense tells me that if we put a strain on domestic manufacturers, that only serves to give a boost to foreign competition—and a boost to prices.

At a time when some Americans are relying on Hugo Chavez to heat their homes this winter—we need to take a step back and clearly understand the consequences of our actions. Repealing these tax incentives would only serve to stifle domestic production of oil and gas, raise gas prices and home heating costs for Americans, send more jobs overseas, and increase our dependence on foreign sources of energy.

The new House leadership may believe it scores them cheap political points to target Texas energy companies, many of whom employ union workers, but our communities don't think it's so funny. And at a time we need more U.S. energy and less foreign oil, it makes no sense at all.

As I said before, I believe we should invest in the development of renewable energy and alternative fuels to protect our future and our children's future. But short-changing American jobs today isn't the way to do it.

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 6, the CLEAN Energy Act of 2007. This bill takes an important first step towards a new energy future by investing in clean energy resources that will reduce harmful pollution and help break our addiction to foreign oil.

H.R. 6 would reclaim \$13 billion in tax breaks and giveaways that the Republican Congress extended to big oil in 2004 and 2005 and ensure that oil companies pay their fair share to drill on public land. It would use that revenue to create a Strategic Renewable Energy Reserve to invest in clean, renewable energy resources and alternative fuels, promote new energy technologies, develop greater efficiency and improve energy conservation.

Over the last several years, Big Oil has raked in record profits while our dependence on foreign oil has climbed ever higher. At the same time, scientists have uncovered new and alarming facts about global warming that demand our urgent attention. While there is broad, bipartisan public support for investing in clean energy technology, the last Congress

and the Administration seem to have been more concerned with taking care of their Big Oil buddies than steering us toward a sustainable energy future.

Today, we have an opportunity to chart a new course. H.R. 6 establishes a forward-thinking approach to energy that looks to American innovation to provide renewable energy for our future. Our security, our economy, and indeed, our very existence require nothing less.

Mr. KUCINICH. Madam Speaker, it has been said several times but bears repeating. When you're in a hole, stop digging. Our dependence on oil—foreign and domestic—requires us to stop making the problem worse by giving oil companies billions upon billions of dollars in truly unnecessary subsidies that worsen our dependence. This bill redirects \$14 billion away from these subsidies and toward more sustainable energy production.

The transition to a renewable energy economy is not optional. The question is whether we will wait so long to create the transition that we do not make it on our own terms. Europe gets it. They are pouring orders of magnitude more money into research on renewables, positioning their industries to thrive in the future. On the other hand, this Administration has been digging its heels in by throwing billions of taxpayer dollars at an industry that made record profits on the backs of hard working Americans. We have a long way to go to catch up and this bill steers us firmly in that direction. I urge my colleagues to vote "yes".

Mr. LARSON of Connecticut. Madam Speaker, I rise today in support of the Creating Long-Term Energy Alternatives for the Nation (CLEAN) Energy Act, H.R. 6. This critical legislation is an important step in increasing our investment in the development of clean and efficient energy technology that will one day end our dependence on foreign oil.

The oil industry has been reaping record profits while working Americans have faced record high gas prices. Last year, while millions of Americans struggled to afford gasoline at \$3 a gallon, the top five oil companies made nearly \$97 billion in profit. The hard truth is that at a time of record energy costs and oil profits, families in Connecticut and across the country were getting tapped into twice: once at the pump and once again with their tax dollars going to oil companies in the form of tax breaks and subsidies.

The bill before us today restores some common sense to our federal budget by repealing or minimizing nearly \$13 billion in unnecessary tax subsidies given away to the oil and gas industries. It includes a rollback of a tax break for geological and geophysical exploration, a provision that the President himself suggested that Congress eliminate. In addition, it closes a \$7.6 billion loophole written into the FSC/ETI international tax bill which allowed oil companies to qualify for a tax provision intended to help domestic manufacturers struggling to sell their products overseas. Finally, the CLEAN Energy Act ensures that oil companies that were awarded the 1998 and 1999 leases for drilling pay their fair share in royalties.

Our dangerous dependence on foreign oil is much more than just an energy issue—it is at its very core a matter of national security, foreign policy, environmental responsibility, economic development and technological advancement. Our dependence on foreign energy has grown to an alarming 65 percent of

our total need, and we send \$800 million each day to the Middle East and other oil producing countries.

H.R. 6 takes the important step towards ending this dependence by directing receipts to a newly created Strategic Energy Efficiency and Renewables Reserve. This fund will be used to fund future legislation promoting energy efficiency and investing in renewable energy technologies, such as the hydrogen fuel cells developed in Connecticut, which will one day provide us with almost unlimited amounts of energy to run our cars, power our homes and businesses and move us away from a petroleum based energy economy.

Eliminating unneeded tax breaks for the oil industry and investing in new energy sources are just part of the solution to lowering energy prices for hardworking American families. As we move forward in the 110th Congress, we must also work to protect the American people from high energy costs by preventing the manipulation of the oil futures market and ending the practice of price gouging. H.R. 6 is just the start and I look forward to working with my colleagues to address issues.

Mr. SHAYS. Madam Speaker, I rise in support of H.R. 6, the CLEAN Energy Act. Protecting our environment and promoting energy independence are two of the most important jobs I have as a Member of Congress.

I have long advocated repealing some of the tax breaks we give oil companies as "incentives" because our current market place provides adequate incentive as is to find additional sources of oil.

I also support using the \$14 billion this bill will save in royalty relief to fund a renewable energy and efficient energy trust fund.

The bottom line is we are not resolving our energy needs because we are not conserving. We'll just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. This legislation is a first step to begin to address our energy needs.

This bill is similar to a provision in my energy legislation, the Energy for Our Future Act, which also repeals extraneous oil and gas company tax breaks. This is just one of the three principal goals the Energy For Our Future Act has for our national energy policy. I also hope Congress works to improve the fuel efficiency of passenger vehicles, provide incentives for the purchase of energy-efficient appliances and promote the growth of renewable energy, all three of which I deal with in my legislation.

In the past we have taken steps to increase our supply with no focus on our need to conserve. I am pleased to see legislation that finally recognizes that we are on a demand course that is simply unsustainable if we do not take control of our over-consumption.

Ms. ESHOO. Madam Speaker, I'm proud to be a cosponsor of this bipartisan legislation which commits nearly \$14 billion to renewable energy technology and energy conservation and I rise in strong support of it.

Today we are eliminating unneeded subsidies and tax benefits for the largest and most profitable energy companies, and instead, investing the resources in the development and deployment of renewable energy resources and energy efficient technologies and practices.

This investment is critical because the status quo is not sustainable for our country.

We know that:

(1) The burning of fossil fuels is accelerating global climate change.

(2) We have only 2 percent of the world's oil reserves yet we consume 25 percent of the world's annual oil production.

(3) Two billion people on our planet today do not have access to electricity which is a basic necessity of life and economic security. They aspire to the prosperity we enjoy.

(4) Without a change, we will face stiff competition for oil from the developing world. The Department of Energy estimates that China and India will spur a tripling of energy consumption among Asia's developing nations in the next 25 years.

Rather than a series of problems, I see a tremendous opportunity for our nation.

In Silicon Valley in my Congressional District, the entrepreneurs who developed personal computers, the Internet, e-commerce, biotechnology, and nanotechnology are now turning to energy as the next great frontier for innovation and growth.

With the growing global demand for energy, they understand that the U.S. has the opportunity to be the primary exporter of clean energy and clean energy technology.

In the first 9 months of 2006, these entrepreneurs helped fund \$600 million of U.S. investment in green technology.

They are investing in bio-fuels, bio-fuel infrastructure, and R&D to make bio-fuel production more efficient.

One company in my district is developing a fuel cell system that will produce clean, onsite electricity for homes and offices while also providing transportation fuel for hydrogen vehicles.

Others are developing technology that will put fuel cells in laptop computers, consumer electronics and automobiles.

They are developing and manufacturing new, more productive solar cells and solar technology.

Some of the largest computer, technology, and Internet firms are working to develop solutions to reduce the power used by large data centers.

In my region, Tesla Motors, now the third-largest American-owned auto maker, has produced a new line of efficient electric sports cars, with more practical and affordable models on the way.

This isn't happening just in Silicon Valley. Wal-Mart is committing \$500 million a year to become more energy efficient and reduce its greenhouse gas emissions.

Just as it was important in the creation and commercialization of the Internet, Federal leadership is needed in this endeavor.

With the funding we're setting aside today, we're setting a national priority and providing the impetus for research, development, and deployment of new and emerging renewable energy technologies in the United States.

This is a very positive step toward energy independence and I urge my colleagues to vote for this bill.

Mr. STARK. Madam Speaker, I rise today in strong support of the Creating Long-Term Energy Alternatives for the Nation (CLEAN) Act. This bill eliminates \$7.7 billion in unnecessary tax breaks for the oil and gas industry, and raises another \$6.3 billion for the Federal Treasury from new royalties on oil and gas removed from Federal waters. This \$14 billion is a good down payment on future energy poli-

cies that can help eliminate our oil addiction and stop global warming.

This bill is a good first step, but I will work with my colleagues to eliminate many of the other unnecessary tax subsidies for the oil and gas industry. Oil companies are enjoying record profits. Every time the price of gas increases, the value of existing tax subsidies increases and they make even more money. At a time of record gas prices and record profits we should not provide tax incentives for exploring, extracting or refining oil and gas.

The best ways to eliminate our dependence on oil and reduce greenhouse gas emissions is to lower demand and reduce emissions from power plants and vehicles. For example, fuel economy standards for passenger cars have not been raised since 1985, and even lower "light truck" standards encourage manufacturers to produce gas-guzzling SUVs. I support raising fuel economy standards to at least 33 miles per gallon, which would save 1.1 million barrels of oil a day by 2015 and 2.6 million barrels by 2025. Those who say that we can't do any better than 20-year-old technology might also like to trade their DVDs for VHS tapes, cell phones for pay phones, ipods for boomboxes, and then see just how advanced 1980s technology seems today.

Eliminating tax subsidies will increase revenues, but we must spend those revenues wisely in our quest for clean renewable energy sources. Incentives for clean coal, ethanol and nuclear are not the answer. We must focus our efforts on promoting advancements in wind, hydrogen, solar and thermal power. These renewable sources can provide significant energy output with minimal environmental impact.

I support H.R. 6 and urge all my colleagues to join me in voting for a cleaner America.

Mr. WALBERG. Madam Speaker, I rise today in strong opposition to H.R. 6, which will raise the prices at the pumps, discourage domestic energy production, hurt America's working families, and encourage America's dependence on foreign energy.

I'm reminded of the family down the road from me back home in Michigan. They are a family with four kids, both their parents work and are struggling to get by; and if this legislation becomes law every time they fill up their gas tank or heat their house it will be an even greater burden on this family.

I've always said my number one priority while I'm in Congress is to protect the American taxpayer, that's a promise I made and that's a promise that I'll keep. Never voting for a tax increase is the same promise I made and kept during my 16 years in the Michigan House.

This is the first tax increase vote in 13 years and it didn't take the new majority more than 2 weeks to bring it to the floor to punish the American worker.

This legislation doesn't just force taxpayers to throw more money to the government, it also has our government tearing up already negotiated private contracts with the government at the same time we're trying to convince Russia, Venezuela and other countries to abide by the rule of law and respect its citizen's property rights.

Bottom line, this bill will increase our reliance on foreign oil, decrease our competitiveness and raise the prices at the pumps and the energy bills of working families. I urge my colleagues to vote no on increasing our de-

pendence on foreign oil and yes on lower taxes, less regulation and respect to the rule of law.

Mrs. MALONEY of New York. Madam Speaker, I rise in strong support of H.R. 6, the CLEAN Energy Act. In the first 100 hours of this new Congress, the time finally has come to end the royalty rip-off, which has lined the pockets of Big Oil at the expense of the American taxpayers for entirely too long. For years, I have been working to ensure that Americans get what is owed to them from oil and gas companies through my work on the Government Reform Committee, scathing reports from the Government Accountability Office, and offering amendments here on the House floor. I am thrilled that we finally have the opportunity to give this issue the full attention it deserves.

It is indisputable that the American taxpayers are losing billions of dollars in royalties due to them by the oil and gas companies who are taking valuable resources out of Federal lands. The GAO estimates that because price thresholds were not included in deep-water leases from 1998 and 1999, the government has already lost up to \$2 billion in royalties and could lose as much as \$10 billion over the life of the leases.

H.R. 6 addresses the problem by requiring current offshore fuel producers with royalty-free leases to either agree to pay royalties when fuel prices reach certain thresholds or agree to pay a new "conservation of resource fee." It would also close loopholes and end giveaways for Big Oil in the tax code and in the 2005 Energy Bill.

Together these savings would generate \$14 billion to create a Created Strategic Energy Efficiency and Renewables Reserve to reduce our dependence on foreign oil. The majority of the American public support investing in alternative energy sources to end our addiction to oil, and even President Bush promised to invest in clean renewable fuels and cutting-edge technologies in his 2006 State of the Union Address. This clean energy fund will be used to pay for upcoming legislation to encourage people to use clean domestic renewable energy resources already in existence, promote use of energy-efficient products and practices, and increase research and development of new cutting-edge technologies.

Today, we must take the opportunity to show the American people that we are with them, not with Big Oil. H.R. 6 is an important first step towards a smart energy policy and a clean energy future, and I urge my colleagues to support it.

Mr. LEVIN. Madam Speaker, I rise in strong support of the legislation before the House, the CLEAN Energy Act of 2007.

It's time for Congress to face the facts and begin to break our nation's dangerous addiction to oil. The industry tax breaks and royalty holidays that we seek to eliminate today no doubt serve the interests of the big oil companies, but they do not serve the interests of our nation's long-term energy security, or, for that matter, the interests of taxpayers, consumers and the environment.

We import more than 60 percent of the oil we consume every day in this country. We are increasingly dependent on oil imports from volatile regions of the world and from countries that are not necessarily our friends. If we do nothing, our dependence on imported oil will only grow. Some will say that the answer

is to provide more subsidies and tax breaks to encourage oil drilling in the United States. Well, we've tried that, and it hasn't worked. We're more dependent on foreign oil than ever. All the industry subsidies in the world won't change the fact that the U.S. has just 3 percent of the global oil reserves. We can't drill our way out of this problem.

Rather than continue business as usual, today we are beginning to chart a new course to energy security. The legislation before the House repeals \$13 billion in egregious tax subsidies and royalty holidays that have been given to the oil companies in recent years. Instead, we will invest these funds in clean, renewable energy that is made here in the United States, including solar, wind, biomass, and biofuels. We will also invest in new energy technologies and develop policies to stimulate investment and deployment of energy efficient products and services. Investing in alternative fuels and new energy technologies is also an investment in jobs here in America.

I want to make it clear that this legislation eliminates only the most egregious energy industry subsidies. First of all, we target the flawed deepwater oil and gas leases that were awarded in 1998 and 1999. Contrary to long-standing practice, these leases did not provide for royalty payments—no matter how high oil prices rise. In this legislation, we require that these leases be renegotiated. The American people deserve a fair royalty for publicly-owned resources.

I also want to respond to some of the statements made today by opponents of this legislation. Some have suggested that our legislation unfairly singles out the oil and gas industry by repealing their ability to take advantage of a tax provision intended to encourage domestic manufacturing. This is not the case. Many of my colleagues will recall that several years ago our trading partners in the European Union successfully challenged a tax benefit that the Federal Government provided to U.S. exporters. Let's be clear that the oil and gas industry did not qualify for the old FSC-ETI tax benefit, and neither did any number of other U.S. industries, including financial services, hospitals, and real estate, to name only a few. When Congress repealed the FSC-ETI in 2004, we provided a replacement benefit to U.S. exporters in the form of tax benefit for domestic manufacturers. But for some reason, this manufacturing tax break was extended to include the oil and gas industry, even though they were never eligible for the old FSC-ETI benefit. If there is a problem with unfairly singling out an industry, it is not in the bill before the House today. The problem lies in the loophole in the 2004 bill that singled out the oil and gas industry to receive a domestic manufacturing benefit that was not justified.

I hope this clears up this matter and that all my colleagues will join me in voting for this important legislation.

Ms. WATSON. Madam Speaker, today Democrats will bring forward the final piece of legislation in the Six for 06 for America, the Clean Energy Act of 2007. This bill is vital in assuring the American taxpayers that the government will close loopholes and end giveaways in the tax code for major oil companies.

In my work as Ranking Member on the Government Reform Subcommittee on Energy and Resources in the 109th Congress, I worked closely with my colleague DARRELL ISSA in in-

vestigating the overlooked but serious problems with the oil and gas royalty programs. The mismanagement of several of these leases potentially could cost America's taxpayers nearly twenty billion in royalties over the next 25 years because of errors in drafting the leases.

Had the leases been negotiated properly, it is estimated that the government would have collected an additional \$700 million in royalties in 2005 alone. Do the math. These funds would allow one American family to fill their Dodge Caravan minivan over 12 million times, even with the high gas prices we are facing now.

Madam Speaker, our citizens should not pay for bureaucratic mistakes nor should they suffer the consequences of this administration not holding these companies accountable. H.R. 6 will be a start to fixing this and many other examples of government mismanagement in the energy sector.

Madam Speaker, it is time for us to promote energy legislation that will lead to positive outcomes for the economy and the environment while protecting taxpayers and consumers. H.R. 6 does this and I urge my colleagues to vote in favor of this legislation.

Mr. SIRE. Madam Speaker, I rise today in support of H.R. 6. Over the last 24 years, America's dependence on foreign oil has more than tripled. We currently import about 65 percent of our oil, a new record high. At the same time, the Federal Government has been providing tax incentives that have only exacerbated our oil dependence problem.

It's time that we pass this bill and repeal the subsidies created in the 2005 Energy Bill. These government giveaways could be much better used by investing in research and development of clean, renewable energy sources.

Madam Speaker, in my home State of New Jersey, we consume 11.1 million gallons of gasoline per day! That ranks 11th in the Nation. With such high consumption in New Jersey and across our country, we need to start thinking about the future and turn to alternative energy sources. Americans need more choices at the pump.

This legislation will not solve our energy dependence problems overnight, but we have to start somewhere. This legislation gives us a good starting point. I urge my colleagues to vote in favor of H.R. 6.

Mr. CUMMINGS. Madam Speaker, I rise in support of the Clean Energy Act of 2007, H.R. 6.

This bill, like all of the bills brought to the floor by the Democratic leadership under the Six for '06 package has the same effect, to try to level the proverbial playing field so that every American family has a fighting chance.

This bill takes a huge step in the right direction by repealing \$14 billion in subsidies given to Big Oil companies and paid for by American taxpayers. It also addresses a future that we know is coming—a future where fossil fuels will be in far less plentiful supply—and sets the stage for investing those profits in clean, renewable and alternative energy technologies and sources.

This bill closes tax loopholes for oil companies, rolls back tax breaks for geological and geophysical expenditures and repeals five royalty relief provisions from the 2005 Republican energy bill. In fact, this bill will require companies that have been reaping billions in profits

and providing record golden parachute packages to departing CEOs while the average American family has seen an overall decline in income, to pay royalties in order to qualify for new federal leases for drilling.

The goal of this bill is energy independence for our country that will allow our foreign policy decisions to be based more on what's good for our citizens and not just what's good for our gas tanks.

I applaud the Democratic leadership for bringing this legislation to the floor and I applaud this Congress for successfully passing six critical pieces of legislation that affect the everyday lives of all Americans.

Mr. STEARNS. Madam Speaker, affordable and reliable energy is an important component of continued economic growth. It heats and cools our homes, facilitates the means of production, and fuels our transportation system. However, politics, not sound energy policy is driving the legislation before us today.

The tax provisions targeted for repeal in H.R. 6 are designed to encourage new capital investment in U.S. energy projects, and they are fulfilling this goal. Their repeal will discourage new domestic oil and gas production and refinery capacity, threaten American jobs, and make it less economic to produce domestic energy resources—thereby increasing our dependence on imported crude oil and refined fuel products. A recent economic analysis by PricewaterhouseCoopers confirms:

"Higher taxes on the U.S. activities of the oil and natural gas industry, as would result under H.R. 6, would be expected to reduce U.S. exploration, production, and refining activities and increase U.S. dependence on foreign oil. This outcome is in sharp contrast to long-term energy goals for a Nation less reliant on imported energy sources."

These results run directly counter to sound energy policy goals and, by diminishing energy supplies, would strike a blow to U.S. energy consumers.

Provisions in the bill affecting the deep water royalty relief program will set back the significant gains in oil and gas production that are attributable to the program and discourage new domestic production. This program has been one of the most successful policy stimulants for U.S. oil and natural gas exploration and production. It has contributed to a nearly 400 percent increase in natural gas production and more than 100 new discoveries.

The real impact of actions taken in this bill will be felt by our Nation's manufacturers and every day consumers of energy. The higher energy taxes will be passed on to consumers in the form of higher gasoline and home energy prices. Similarly, heavy users of oil and natural gas, such as manufacturers and their customers, will feel the pinch of these higher prices and the effects of higher gas prices will ripple throughout the economy.

This legislation would give an unfair competitive advantage to foreign energy firms by placing tax increases squarely on the shoulders of domestic energy producers. This will encourage domestic energy companies, which employ 1.8 million Americans to move those jobs overseas.

America's energy future is too important to risk a rush to judgment, and H.R. 6 represents a significant step backward for our Nation's energy security. Imposing new costs, whether in the form of taxes or fees is contrary to the goal of providing stable and affordable energy supplies for American consumers.

America's energy consumers deserve a sound energy policy that will not hit them with unnecessarily increased energy costs. This legislation is a poor substitute for a real energy policy. I urge my colleagues to reject this punitive energy legislation and to decrease our dependence on foreign oil.

Mr. FLAKE. Madam Speaker, I stand in opposition to H.R. 6. This bill is fatally flawed, both because of the provisions that it contains and also the process that brought it to the floor.

Simply put: Congress performs best when the process of Authorization, Appropriation, and Oversight is followed through the regular order.

This bill seeks to both Authorize and appropriate at the same time by short-cutting the authority of the Budget Committee and direct-spending.

In addition, this new language was brought to the floor without the benefit of review by any Committees, and even before the Resources Committee has been organized.

Finally, this bill seeks to create a slush fund for spending on non-specific programs with no enforcement mechanism to ensure that funds are spent appropriately.

We are not talking about an insignificant amount; rather, CBO estimates that these provisions will raise \$14 billion dollars in federal revenue—\$14 billion that should be returned to the Treasury for deficit reduction, if raised at all.

Beyond the argument of oil and gas tax incentives, sanctity of contracts, or renewable resources, I simply cannot support a bill that displays such a disregard for the legislative process and handle taxpayer dollars with such irresponsibility.

Mr. LANGEVIN. Madam Speaker, it is with great pride that I rise in support of H.R. 6, which will help our Nation take a major step toward energy independence.

We must recognize that we cannot dig or drill our way out of our energy crisis and must move away from our reliance on oil and gas. Our nation deserves a comprehensive energy policy that guarantees access to affordable power, encourages energy conservation efforts, and pursues increased use of environmentally responsible and renewable sources of energy. H.R. 6 moves us in exactly that direction. It will close expensive loopholes and end giveaways to oil and gas companies and invest those dollars in clean and renewable sources of energy here in the United States.

I have strongly supported efforts to develop and adopt new sources of energy, not only for the important environmental benefits they create, but also for their positive impact on our economy and national security. Just as our Nation worked together to put a man on the moon, we must now unite behind an energy policy that enhances national security, creates American jobs, and protects our environment. We must harness Americans' ingenuity and creativity to make the United States a world leader in new energy technology and move our nation toward energy independence.

Many of my colleagues have talked for a long time about how we need to end our addiction to foreign sources of energy. Today we finally have an opportunity to follow through on our promises by voting for H.R. 6.

Mr. KIND. Madam Speaker, I rise today in support of H.R. 6, which will begin to right our country's course on energy policy, steering us

away from costly subsidies for the oil and gas industries that are both unnecessary and unwanted. Instead, this bill will allow our government to invest in its own industries, which produce clean, efficient energy that will improve our environment, produce jobs, and increase our national security.

Madam Speaker, I cannot say why, during a time of record profits by oil and gas companies, this industry was targeted for tax relief in 2004 and 2005. I honestly cannot say why the majority of this congress thought it was a good idea to give away billions of taxpayer dollars in this way. What I do know, is that I am not alone in wondering why.

Our own President, whose personal ties to the oil industry are well known, has said numerous times that industry does not need these subsidies. Just last year, he was quoted in the Washington Post saying:

Record oil prices and large cash flows also mean that Congress has got to understand that these energy companies don't need unnecessary tax breaks like the write-offs of certain geological and geophysical expenditures, or the use of taxpayers' money to subsidize energy companies' research into deep water drilling. I'm looking forward to Congress to take about \$2 billion of these tax breaks out of the budget over a 10-year period of time. Cash flows are up. Taxpayers don't need to be paying for certain of these expenses on behalf of the energy companies.

President Bush was saying these things even before we passed the energy bill. In 2005 he said, "With oil at more than \$50 a barrel, by the way, energy companies do not need taxpayer funded incentives to explore for oil and gas."

Even the President, from the oil State of Texas, understands that our country needs to move in a new direction on energy policy. In his State of the Union address last year, he said, "America is addicted to oil, which is often imported from unstable parts of the world. The best way to break this addiction is through technology."

Madam Speaker, H.R. 6 will repeal the unnecessary giveaways to the energy industry by reducing the tax deductions for exploration that were included in the 2005 energy bill, and eliminating a tax break the industry never should have had. This is expected to raise \$6.6 billion over 10 years, which will be set aside in a new strategic energy efficiency and renewables reserve to go toward research and development of newer, cleaner alternatives.

It is time for us to invest in the midwest, not the Middle East. I urge all of my colleagues to vote for this bill.

Mrs. DAVIS of California. Madam Speaker, the real issue here is about moving this Nation in the direction of energy independence.

It's true that this bill is about increasing royalties for oil extracted from land owned by the American people.

Lease agreements from 1998 and 1999 mistakenly did not include the proper royalty language.

As a result, the American people lost out on an estimated \$865 million in royalties.

With this legislation, Congress has an opportunity, and a responsibility, to correct this mistake.

We also have an opportunity to roll back unnecessary subsidies and tax breaks for oil companies.

But the bill is not about sticking it to the oil industry as some critics have claimed. It is

about creating an important funding mechanism for our Nation's energy future.

Throughout history, America has been an innovator in technology.

Benjamin Franklin's experiments with electricity paved the way toward harnessing its capabilities.

The Wright Brothers flew the first airplane.

America was the first to put a man on the moon.

Now is the time for America to become a leader in another field: renewable energy.

The funding generated from this bill will allow us to significantly increase our Nation's investment in renewable energy.

As a Nation, we have become more and more dependent on oil. We simply cannot maintain our current rate of oil consumption.

Madam Speaker, let's not wait until we hit rock bottom before making significant progress toward energy independence.

When it comes to renewable energy, we must go forward with the dedication and commitment that put America first in flight and put a man on the moon.

Let's show the American people that this Congress will set this Nation on the path toward clean, renewable energy.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 6, Creating Long-Term Energy Alternative for the Nation, also known as the CLEAN Energy Act of 2007.

This bill closes up the tax loopholes that have enabled energy companies to reap huge profits in recent years, as the prices of oil and gas have risen exponentially.

It also rolls back a 2005 Energy Bill tax break for geological and geophysical expenditures, and it repeals provisions that have enabled energy companies to duck out on paying taxes on these profits.

One provision that especially appeals to me is the creation of a Strategic Energy Efficiency and Renewables Reserve.

The Reserve will be used to reduce our dependence on foreign oil, and it would accelerate the use of alternative fuel sources and renewable energy. In addition, it will encourage energy-efficiency and conservation of our resources. The provision will also ultimately fund research to produce better renewable energy technologies.

The House Science Committee, of which I am a member, has had hearings and markups on renewable energy research strategies, and it is clear that we should push harder toward renewable energy.

Energy research and development are the keys to lessening our dependence on foreign oil and to lessening our dependence on fossil fuels. The federal government should continue to support energy research and also provide incentives to encourage the American public and businesses to buy hybrid cars and support renewable fuels.

We must take the lead in supporting energy policies that are good for the environment and help reduce our dependence on foreign oil.

Mr. HERGER. Madam Speaker, I am pleased we're discussing the growing problem of America's dependence on foreign sources of oil and gas, and the high prices that consumers are paying here at home. In the 109th Congress we made great strides in promoting energy independence through tax incentives for oil and gas exploration, improvement of outdated infrastructure and added research into renewable resources.

But while the goal of "energy security" is a good one, I am concerned that today's bill moves us away from that objective. I frequently hear from constituents concerned about our growing dependence on foreign supplies. And rightly so—when we experienced the first "energy crisis," foreign countries provided one, third of our energy needs. Thirty years later, that reliance has nearly doubled.

H.R. 6 does not address this problem. Quite the opposite: Through increasing taxes, the legislation makes it more costly for U.S. firms to develop domestic supplies. This means our over-dependence on foreign supplies will increase even more. The policies we have already put in place are working: American production of natural gas is up 407 percent, and deep water oil production is up 386 percent. And billions of dollars that would otherwise go to hostile nations have been invested in renewable energy developed from open-loop biomass, geothermal and other resources.

Madam Speaker, my constituents want a forward-thinking energy strategy that seeks new ways to meet our needs. Everyone agrees we should pursue "energy independence." H.R. 6 moves us farther from this goal.

Mr. McDERMOTT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 66, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR.
MCCRERY

Mr. McCRERY. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCRERY. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCRERY moves to recommit the bill (H.R. 6) to the Committee on Ways and Means, the Committee on Natural Resources, the Committee on the Budget, and the Committee on Rules with instructions that each Committee report the same back to the House after the Committee holds hearings on, and considers, the bill.

□ 1700

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. McCRERY. Madam Speaker, the substance of this motion to recommit is basically to say, look, these matters are complex. My good friend on the Ways and Means Committee, Mr. McDERMOTT, said that himself just a few minutes ago. And because of that complexity and because of the complexity of the issues, not only the tax issues in this legislation but the energy issues as well, this bill deserves regular order. It deserves to go through the relevant committees with full hearings,

full ability of both the majority and the minority to offer amendments in committee, and then have some sort of rule on the floor which allows for different opinions to be voted on as either amendments or substitutes as the process goes forward.

As we all know by now, in this 100-hour exercise, which I think still has plenty of time left in it, frankly, we could even go back now and within the 100 hours have committee hearings and dispense with this bill in the regular order, and that is what this motion to recommit will do.

It simply says this is not a rejection of the bill, it is not a rejection of the substance of the bill, it is merely saying let's take this important piece of legislation through regular order, let's allow Members of this House the full rights of Members to talk about a bill, hear expert witnesses, delve into the particulars of the legislation, offer amendments, try to make it better, and then, finally, bring it to the floor for a vote.

The way that this bill has been rushed through, without regular process, without opportunity for amendment, or even a substitute, makes a mockery of the legislative process and certainly, I think, shortchanges the important subjects covered in this legislation.

I have talked about the tax consequences of the provisions in the bill which increase taxes on only one sector of American manufacturing, oil and gas. Again, it is not taking back a subsidy to oil and gas, it is not taking back a special tax break for oil and gas, it is singling out oil and gas for harsher treatment under the Tax Code than any other economic sector in this country. That is punishing oil and gas. That is punitive.

And that is not what this Congress should be engaged in, in my view. We should try to give a level playing field to all sectors of the American economy, give them all the same opportunities to succeed, to return value to its shareholders, to all those millions of pensioners that have pieces of shares of stock in these American oil and gas companies. They shouldn't be punished by this Congress.

We should be striking a balance between the need for, as my good friend from Washington says, new alternative and renewable sources of energy for the future, but also recognize the immediate needs of this country and for the foreseeable future, the 20 or 30 years the experts say we are going to be reliant on fossil fuels. So we ought to have a balanced approach. We ought to encourage, not discourage exploration and development of fossil fuels in this country, and also encourage research and development of new renewable sources of energy.

Unfortunately, the process that we have gone through on this bill didn't give us the opportunity to do that. This motion to recommit would give us that opportunity, and I urge its passage.

Mr. RAHALL. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Madam Speaker, in response to the declaration of the gentleman from Louisiana that this is a tax increase on the oil and gas industry, this bill is not a tax increase, I say to my colleagues. What we are doing is repealing subsidies, repealing royalties, and asking the oil and gas industry to pay their fair share. There is no tax increase whatsoever in this bill.

The meat and potatoes of this legislation, H.R. 6, came through our Natural Resources Committee. It was drafted by our committee in consultation with the leadership. This committee is the same committee chaired in a previous Congress by our former colleague, Chairman Richard Pombo. Much of the legislation in this bill, H.R. 6, has been debated, has had hearings held therein, and has even been voted upon by the House of Representatives in the previous Congress.

So I would suggest to my colleagues on the other side of the aisle to go back and look at those votes that were held in a previous Congress in order to be consistent today.

For example, the new conservation fee of \$9 per barrel that is set up in this bill if the companies choose to pay no royalties. That was set up in the Jindal-Pombo bill of the last session of Congress and supported by a number of my colleagues on the other side of the aisle.

Reference has been made to these notorious leases of 1998 and 1999, where the American taxpayers got socked the most; that these were instituted and allowed to take place under the Clinton administration. True, President Clinton was President of the United States at that time. But I would also remind my colleagues who make this charge that in 2000 we elected President George Bush as President of the United States, and the last time I looked at the calendar, this is 2007. Six years with no action by the current Department of the Interior to correct these abuses. And, I might say, until December 31 of this year, Republicans controlled the Congress as well, yet no action was taken.

So what we are doing here is an attempt to correct mistakes, correct bungling by the Department of the Interior, mismanagement, whatever word you want to call it, on these 1998-1999 leases where there were no royalties collected, where the price of oil has certainly gone above the threshold that was established in the 1995 Deep Royalty Relief Act, again passed by a Republican Congress, and which was overlooked in the implementation and collection on these 1998-1999 leases.

To those who charge that we are breaching contracts today, there is ample precedent and reservation of power in the U.S. to impose fees for the conservation of resources both in the

statute in the Outer Continental Lands Act, and reserved specifically in the leases that are issued in the Gulf of Mexico. Again, these leases issued in 1998 and 1999 are royalty free regardless of market, and that is when we impose this conservation fee passed by the Republican Congress in the past but failed to be enacted into law. So we have set ample precedent here.

As I conclude, let me say that I urge my colleagues on both sides of the aisle, in a bipartisan fashion, as we have voted before on this legislation, to pass H.R. 6 for the sake of the American taxpayers.

Madam Speaker, I yield to the gentleman from Washington, a member of the Ways and Means Committee, Mr. McDERMOTT.

Mr. McDERMOTT. Madam Speaker, can you tell me how much time I have?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. McDERMOTT. Madam Speaker, I urge people to vote down this motion to recommit. Mr. McCRERY sat in the other day when we had a forum in the Ways and Means Committee and we discussed this bill. We went over it fairly carefully with experts from two sources at least. And, clearly, we are making very modest changes. That was clear from the testimony we had, that these were modest changes to the law.

When we make the bigger changes, which we will have to do to give us a real source of money for this, and decide how we are going to allocate it in the most effective way for the country, there will be full hearings in the Ways and Means Committee, and I look forward to having your participation. You have been a real wonderful change in the Ways and Means Committee for us, and we are looking forward to working with you on the Tax Code to make this truly the first step, the first teeny step, and then we are going to make a lot of other big steps.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCRERY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6, if ordered, and the motion to suspend the rules on H. Res. 62.

The vote was taken by electronic device, and there were—yeas 194, nays 232, not voting 8, as follows:

[Roll No. 38]

YEAS—194

Aderholt	Bachmann	Barrett (SC)
Akin	Bachus	Bartlett (MD)
Alexander	Baker	Barton (TX)

Biggett	Gohmert
Bilbray	Goode
Bilirakis	Goodlatte
Bishop (UT)	Granger
Blackburn	Graves
Blunt	Hall (TX)
Boehner	Hastert
Bonner	Hastings (WA)
Bono	Hayes
Boozman	Heller
Boustany	Hensarling
Brady (TX)	Herger
Brown (SC)	Hobson
Brown-Waite,	Hoekstra
Ginny	Hulshof
Buchanan	Hunter
Burgess	Inglis (SC)
Camp (MI)	Issa
Campbell (CA)	Jindal
Cannon	Johnson (IL)
Cantor	Jones (NC)
Capito	Jordan
Carter	Keller
Castle	King (IA)
Chabot	King (NY)
Coble	Kingston
Cole (OK)	Kirk
Conaway	Kline (MN)
Crenshaw	Knollenberg
Cubin	Kuhl (NY)
Culberson	LaHood
Davis (KY)	Lamborn
Davis, David	Latham
Davis, Jo Ann	LaTourette
Davis, Tom	Lewis (CA)
Deal (GA)	Lewis (KY)
Dent	Linder
Diaz-Balart, L.	LoBiondo
Diaz-Balart, M.	Lungren, Daniel
Doolittle	E.
Drake	Mack
Dreier	Manzullo
Duncan	Marchant
Ehlers	McCarthy (CA)
Emerson	McCaul (TX)
English (PA)	McCotter
Everett	McCrery
Fallin	McHugh
Feeney	McKeon
Ferguson	McMorris
Flake	Rodgers
Forbes	Mica
Fortenberry	Miller (FL)
Fossella	Miller (MI)
Fox	Miller, Gary
Franks (AZ)	Moran (KS)
Frelinghuysen	Murphy, Tim
Galleghy	Musgrave
Garrett (NJ)	Myrick
Gerlach	Neugebauer
Gilchrest	Nunes
Gillmor	Paul
Gingrey	Pearce

NAYS—232

Abercrombie	Chandler	Farr
Ackerman	Clarke	Fattah
Allen	Clay	Filner
Altmire	Cleaver	Frank (MA)
Andrews	Clyburn	Giffords
Arcuri	Cohen	Gillibrand
Baca	Conyers	Gonzalez
Baird	Costa	Gordon
Baldwin	Costello	Green, Al
Barrow	Courtney	Green, Gene
Bean	Cramer	Grijalva
Becerra	Crowley	Gutierrez
Berkley	Cuellar	Hall (NY)
Berman	Cummings	Hare
Berry	Davis (AL)	Harman
Bishop (GA)	Davis (CA)	Hastings (FL)
Bishop (NY)	Davis (IL)	Hereth
Blumenauer	Davis, Lincoln	Higgins
Boren	DeFazio	Hill
Boswell	DeGette	Hinchey
Boucher	Delahunt	Hinojosa
Boyd (FL)	DeLauro	Hirono
Boyd (KS)	Dicks	Hodes
Brady (PA)	Dingell	Holden
Braley (IA)	Doggett	Holt
Brown, Corrine	Donnelly	Honda
Butterfield	Doyle	Hooley
Capps	Edwards	Hoyer
Capuano	Ellison	Inslee
Cardoza	Ellsworth	Israel
Carnahan	Emanuel	Jackson (IL)
Carney	Engel	Jackson-Lee
Carson	Eshoo	(TX)
Castor	Etheridge	Jefferson

Johnson (GA)	Miller (NC)	Serrano
Johnson, E. B.	Miller, George	Sestak
Jones (OH)	Mitchell	Shea-Porter
Kagen	Mollohan	Sherman
Kanjorski	Moore (KS)	Shuler
Kaptur	Moore (WI)	Sires
Kennedy	Moran (VA)	Skelton
Kildee	Murphy (CT)	Slaughter
Kilpatrick	Murphy, Patrick	Smith (WA)
Kind	Murtha	Snyder
Klein (FL)	Nadler	Solis
Kucinich	Napolitano	Space
Lampson	Neal (MA)	Spratt
Langevin	Oberstar	Stark
Lantos	Obey	Stupak
Larsen (WA)	Olver	Sutton
Larson (CT)	Ortiz	Tanner
Lee	Pallone	Tauscher
Levin	Pascarell	Taylor
Lewis (GA)	Pastor	Terry
Lipinski	Payne	Thompson (CA)
Loebach	Perlmutter	Thompson (MS)
Lofgren, Zoe	Peterson (MN)	Tierney
Lowey	Pomeroy	Towns
Lynch	Price (NC)	Udall (CO)
Mahoney (FL)	Rahall	Udall (NM)
Maloney (NY)	Rangel	Van Hollen
Markey	Reyes	Velázquez
Marshall	Rodriguez	Visclosky
Matheson	Ross	Walz (MN)
Matsui	Rothman	Wasserman
McCarthy (NY)	Roybal-Allard	Schultz
McCollum (MN)	Ruppersberger	Waters
McDermott	Rush	Watson
McGovern	Ryan (OH)	Watt
McIntyre	Salazar	Waxman
McNerney	Sánchez, Linda	Weiner
McNulty	T.	Welch (VT)
Meehan	Sanchez, Loretta	Wexler
Meek (FL)	Sarbanes	Wilson (OH)
Meeks (NY)	Schakowsky	Woolsey
Melancon	Schiff	Wu
Michaud	Schwartz	Wynn
Millender-	Scott (GA)	Yarmuth
McDonald	Scott (VA)	

NOT VOTING—8

□ 1733

Mrs. BOYDA of Kansas, Mrs. CAPPS, Mr. CLAY, Mr. RUPPERSBERGER, Ms. WOOLSEY and Mr. TERRY changed their vote from “yea” to “nay.”

Mr. PETERSON of Pennsylvania changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

POINT OF ORDER

Mr. BLUNT. Point of order, Madam Speaker.

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman from Missouri.

Mr. BLUNT. Madam Speaker, I do intend to request a recorded vote. However, I first want to make a point of order that the Chair just failed to properly announce the result of the question of passage by the requisite three-fifths pursuant to clause 5(b) of rule XXI, which requires a three-fifths vote to increase tax rates.

Section 102 of H.R. 6 proposes to deny a deduction under section 199 of the Internal Revenue Code of 1986 for an income attributable to domestic production of oil, natural gas or primary products thereof.

Section 199 of the Internal Revenue Code provides for up to a 9 percent deduction in the amount of corporate income that is taxable under section 11(b) of the Code.

As described in the joint statement of managers accompanying H.R. 4520, which created section 199, when enacted section 199 effectively created a lower percentage rate of tax and therefore reduced the amount of tax proposed by such section. Once fully phased in in 2010, section 199 reduces the tax rate under section 11(b) by 3 points.

Section 102 of the pending bill proposes to disallow this deduction for certain taxpayers, thus imposing a new, higher percentage of tax, and thereby increasing the amount of tax imposed on a taxpayer under section 11(b).

The Joint Committee on Taxation has indicated that section 102 will increase tax receipts by \$7.6 billion between 2007 and 2017.

Therefore, Madam Speaker, since this bill increases taxes, and since that tax burden will ultimately be passed on to every American consumer who owns or operates an automobile, I insist on my point of order and demand that H.R. 6 not be considered as passed unless agreed to by three-fifths of those Members present and voting.

The SPEAKER pro tempore. For what purpose does the gentleman from Washington rise?

Mr. McDERMOTT. Madam Speaker, to hear the Speaker's answer to the question.

The SPEAKER pro tempore. Does any other Member wish to be heard on this point of order?

The Chair recognizes the gentleman from Louisiana.

Mr. MCCRERY. Madam Speaker, I ask to be heard on the point of order.

This bill should require a three-fifths majority for passage. Madam Speaker, it is important to point out that section 199(d)(6), the subject in this bill, incorporates by reference section 55 of the Internal Revenue Code. Section 55 is specifically identified as a provision subject to the point of order found in clause 5(b) of House rule XXI. By amending section 199, the bill is increasing the applicable rate under section 55 as applied to oil and gas manufacturers.

Recognizing the connection between section 199 and section 55 is critical to the interpretation of House rule XXI. All of the sections identified in House rule XXI deal with the imposition of taxes, and those sections, in turn, are referenced throughout the Internal Revenue Code.

For example, Internal Revenue Code section 2(a)(1) defines the term "surviving spouse" for purposes of section 1 as a person whose spouse died up to 2 years before the current tax year. Amending section 2 of the Code to change the definition of a spouse to someone who died only 1 year ago would have the direct effect of increas-

ing the tax rate on widows that is set by section 1 of the Internal Revenue Code.

By way of further example, one computation method for farm income is found in section 1301 of the Internal Revenue Code. That section of the Code also explicitly references section 1. By changing the methods for computing farm income in section 1301, you can directly raise the tax rate of a farmer that is set by section 1.

Madam Speaker, here comes the denouement. Madam Speaker, certainly the intent of rule XXI is for the House to clear a higher hurdle, a three-fifths majority, before it increases taxes on farmers or widows. That intent would be just as relevant in this case where a bill effectively raises the tax rate on some American manufacturers.

The SPEAKER pro tempore. Does anyone else seek recognition on this point of order?

The Chair recognizes the gentleman from Massachusetts.

Mr. MEEHAN. Madam Speaker, these guys passed \$14 billion in tax breaks to Big Oil. Now is not the time to redo it.

The SPEAKER pro tempore. The Chair is prepared to rule.

The requirement in clause 5(b) of rule XXI for a three-fifths vote on certain tax measures comprises three elements.

The first element is that the measure amends one of the subsections of the Internal Revenue Code of 1986 that are cited in the rule. The second element is that the measure does so by imposing a new percentage as a rate of tax. The third element is that in doing so the measure increases the amount of tax imposed by any of those cited subsections of the Code.

The Chair is unable to find a provision in the bill that fulfills even the first element of the requirement.

A bill that does not meet any one of the three elements required by clause 5(b) of rule XXI does not carry a Federal income tax rate increase within the meaning of the rule.

Accordingly, the Chair holds that a majority vote is sufficient to pass H.R. 6, and the Chair properly announced the result of the voice vote on passage.

Mr. BLUNT. Madam Speaker, I appeal the ruling of the Chair.

Mr. McDERMOTT. Madam Speaker.

The SPEAKER pro tempore. The gentleman shall suspend.

The question is, shall the decision of this Chair stand as the judgment of the House.

MOTION TO TABLE OFFERED BY MR. McDERMOTT

Mr. McDERMOTT. Madam Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLUNT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on the motion to table will be followed by 5-minute votes on passage of H.R. 6, if ordered, and on the motion to suspend the rules on H. Res. 62, if arising without further debate.

The vote was taken by electronic device, and there were—yeas 230, nays 195, not voting 9, as follows:

[Roll No. 39]

YEAS—230

Abercrombie	Grijalva	Murtha
Ackerman	Gutierrez	Nadler
Allen	Hall (NY)	Napolitano
Altmire	Hare	Neal (MA)
Andrews	Harman	Oberstar
Arcuri	Hastings (FL)	Obey
Baca	Hereth	Oliver
Baird	Higgins	Ortiz
Baldwin	Hill	Pallone
Barrow	Hinchey	Pascarell
Bean	Hinojosa	Pastor
Becerra	Hirono	Payne
Berkley	Hodes	Perlmuter
Berman	Holden	Pomeroy
Berry	Holt	Price (NC)
Bishop (GA)	Honda	Rahall
Bishop (NY)	Hooley	Rangel
Blumenauer	Hoyer	Reyes
Boren	Inslee	Rodriguez
Boswell	Israel	Ross
Boucher	Jackson (IL)	Rothman
Boyd (FL)	Jackson-Lee	Roybal-Allard
Boyd (KS)	(TX)	Ruppersberger
Brady (PA)	Jefferson	Rush
Braley (IA)	Johnson (GA)	Ryan (OH)
Brown, Corrine	Johnson, E. B.	Salazar
Butterfield	Jones (OH)	Sanchez, Linda
Capps	Kagen	T.
Capuano	Kanjorski	Sanchez, Loretta
Cardoza	Kaptur	Sarbanes
Carnahan	Kennedy	Schakowsky
Carney	Kildee	Schiff
Carson	Kilpatrick	Schwartz
Castor	Kind	Scott (GA)
Chandler	Klein (FL)	Scott (VA)
Clarke	Kucinich	Serrano
Clay	Lampson	Sestak
Cleaver	Langevin	Shea-Porter
Clyburn	Lantos	Sherman
Cohen	Larsen (WA)	Shuler
Conyers	Larson (CT)	Sires
Costa	Lee	Skelton
Costello	Levin	Slaughter
Courtney	Lewis (GA)	Smith (WA)
Cramer	Lipinski	Snyder
Crowley	Loebach	Solis
Cuellar	Lofgren, Zoe	Space
Cummings	Lowey	Spratt
Davis (AL)	Lynch	Stark
Davis (CA)	Mahoney (FL)	Stupak
Davis (IL)	Maloney (NY)	Sutton
Davis, Lincoln	Markey	Tanner
DeFazio	Marshall	Tauscher
DeGette	Matheson	Taylor
Delahunt	Matsui	Thompson (CA)
DeLauro	McCarthy (NY)	Thompson (MS)
Dicks	McCollum (MN)	Tierney
Dingell	McDermott	Towns
Doggett	McGovern	Udall (CO)
Donnelly	McIntyre	Udall (NM)
Doyle	McNerney	Van Hollen
Edwards	McNulty	Velázquez
Ellison	Meehan	Visclosky
Ellsworth	Meek (FL)	Walz (MN)
Emanuel	Meeks (NY)	Wasserman
Engel	Melancon	Schultz
Eshoo	Michaud	Waters
Etheridge	Millender	Watson
Farr	McDonald	Watt
Fattah	Miller (NC)	Waxman
Filner	Miller, George	Weiner
Frank (MA)	Mitchell	Welch (VT)
Giffords	Mollohan	Wexler
Gillibrand	Moore (KS)	Wilson (OH)
Gonzalez	Moore (WI)	Woolsey
Gordon	Moran (VA)	Wu
Green, Al	Murphy (CT)	Wynn
Green, Gene	Murphy, Patrick	Yarmuth

NAYS—195

Aderholt	Bachus	Barton (TX)
Akin	Baker	Biggert
Alexander	Barrett (SC)	Bilbray
Bachmann	Bartlett (MD)	Bilirakis

Bishop (UT)	Goodlatte	Peterson (PA)	Arcuri	Hare	Oberstar	Carter	Hunter	Price (GA)
Blackburn	Granger	Petri	Baca	Harman	Obey	Chabot	Issa	Pryce (OH)
Blunt	Graves	Pickering	Baird	Hastings (FL)	Oliver	Coble	Jindal	Putnam
Boehner	Hall (TX)	Pitts	Baldwin	Hayes	Ortiz	Cole (OK)	Jordan	Radanovich
Bonner	Hastert	Platts	Bartlett (MD)	Herse	Pallone	Conaway	Keller	Regula
Bono	Hastings (WA)	Poe	Bean	Higgins	Pascarella	Crenshaw	King (IA)	Rehberg
Boozman	Hayes	Porter	Becerra	Hill	Pastor	Cubin	King (NY)	Renzi
Boustany	Heller	Price (GA)	Berkley	Hinchey	Payne	Culberson	Kingston	Reynolds
Brady (TX)	Hensarling	Pryce (OH)	Berman	Hinojosa	Pelosi	Davis (KY)	Kline (MN)	Rogers (KY)
Brown (SC)	Herger	Putnam	Berry	Hirono	Perlmutter	Davis, David	Lamborn	Rogers (MI)
Brown-Waite, Ginny	Hobson	Radanovich	Bishop (GA)	Hodes	Peterson (MN)	Davis, Jo Ann	Lampson	Rohrabacher
Buchanan	Hoekstra	Ramstad	Bishop (NY)	Holden	Petri	Davis, Tom	Latham	Roskam
Burgess	Hulshof	Regula	Blumenauer	Holt	Platts	Deal (GA)	LaTourette	Royce
Camp (MI)	Hunter	Rehberg	Boswell	Honda	Pomeroy	Diaz-Balart, L.	Lewis (CA)	Ryan (WI)
Campbell (CA)	Inglis (SC)	Reichert	Boucher	Hooley	Price (NC)	Diaz-Balart, M.	Lewis (KY)	Sali
Cannon	Issa	Renzi	Boyd (FL)	Hoyer	Rahall	Doolittle	Linder	Schmidt
Cantor	Jindal	Reynolds	Boyd (KS)	Inglis (SC)	Ramstad	Drake	Lungren, Daniel	Sensenbrenner
Cantor	Johnson (IL)	Rogers (AL)	Brady (PA)	Inslee	Rangel	Dreier	E.	Sessions
Capito	Jones (NC)	Rogers (KY)	Brady (PA)	Israel	Reichert	Duncan	Mack	Shadegg
Carter	Jordan	Rogers (MI)	Brown, Corrine	Jackson (IL)	Reyes	English (PA)	Manzullo	Shimkus
Castle	Keller	Rohrabacher	Brown-Waite, Ginny	Jackson-Lee (TX)	Rodriguez	Fallin	Marchant	Shuster
Chabot	King (IA)	Ros-Lehtinen	Buchanan	Jefferson	Rogers (AL)	Feeney	Marshall	Simpson
Coble	King (NY)	Roskam	Butterfield	Johnson (GA)	Ros-Lehtinen	Flake	McCarthy (CA)	Smith (NE)
Cole (OK)	Kingston	Royce	Capito	Johnson (IL)	Ross	Forbes	McCaul (TX)	Smith (TX)
Conaway	Kirk	Ryan (WI)	Capps	Johnson, E. B.	Rothman	Fossella	McCotter	Souder
Crenshaw	Kline (MN)	Sali	Capuano	Jones (NC)	Roybal-Allard	Fox	McCrery	Stearns
Cubin	Knollenberg	Saxton	Cardoza	Jones (OH)	Ruppersberger	Franks (AZ)	McKeon	Sullivan
Culberson	Kuhl (NY)	Schmidt	Carnahan	Kagen	Rush	Frelinghuysen	McMorris	Tancred
Davis (KY)	LaHood	Sensenbrenner	Carney	Kanjorski	Ryan (OH)	Gallegly	Rodgers	Terry
Davis, David	Lamborn	Sessions	Carson	Kaptur	Salazar	Garrett (NJ)	Mica	Thornberry
Davis, Jo Ann	Latham	Shadegg	Castle	Kennedy	Sánchez, Linda T.	Gillmor	Miller (FL)	Tiahrt
Davis, Tom	LaTourette	Shays	Castor	Kildee	Sanchez, Loretta	Gingrey	Miller, Gary	Tiberi
Deal (GA)	Lewis (CA)	Shimkus	Chandler	Kilpatrick	Sarbanes	Gohmert	Moran (KS)	Turner
Dent	Lewis (KY)	Shuster	Clarke	Kind	Saxton	Goode	Murphy, Tim	Upton
Diaz-Balart, L.	Linder	Simpson	Clay	Kirk	Schakowsky	Goodlatte	Musgrave	Walberg
Diaz-Balart, M.	LoBiondo	Smith (NE)	Cleaver	Klein (FL)	Schiff	Granger	Myrick	Walden (OR)
Doolittle	Lungren, Daniel	Smith (NJ)	Clyburn	Knollenberg	Schwartz	Graves	Neugebauer	Wamp
Drake	E.	Smith (TX)	Cohen	Cohen	Schwartz	Hall (TX)	Nunes	Weldon (FL)
Dreier	Mack	Souder	Conyers	Costa	Scott (GA)	Hastert	Paul	Weller
Duncan	Manzullo	Stearns	Costa	Costello	Scott (VA)	Hastings (WA)	Pearce	Westmoreland
Ehlers	Marchant	Sullivan	Costello	Courtney	Serrano	Heller	Pence	Whitfield
Emerson	McCarthy (CA)	Tancred	Cramer	Crowley	Sestak	Hensarling	Peterson (PA)	Wicker
English (PA)	McCaul (TX)	Terry	Crowley	Cuellar	Shays	Herger	Pickering	Wilson (NM)
Everett	McCotter	Thornberry	Cummings	Upton	Shea-Porter	Hobson	Pitts	Wilson (SC)
Fallin	McCrery	Tiahrt	Davis (AL)	Davis (CA)	Sherman	Hoekstra	Poe	Young (AK)
Feeney	McHugh	Tiberi	Davis (IL)	Davis (IL)	Shuler	Hulshof	Porter	Young (FL)
Ferguson	McKeon	Turner	Davis, Lincoln	DeFazio	Sires			
Flake	McMorris	Upton	DeFazio	DeGette	Skelton			
Forbes	Rodgers	Walberg	DeLauro	Dent	Slaughter			
Fortenberry	Mica	Walsh (NY)	Dent	Dicks	Smith (NJ)			
Fossella	Miller (FL)	Wamp	Dingell	Doggett	Smith (WA)			
Fox	Miller (MI)	Weldon (FL)	Doolittle	Doyle	Snyder			
Franks (AZ)	Miller, Gary	Weller	Edwards	Ehlers	Solis			
Frelinghuysen	Moran (KS)	Westmoreland	Ellison	Emerson	Space			
Gallegly	Murphy, Tim	Whitfield	Engel	Eshoo	Spratt			
Garrett (NJ)	Musgrave	Wicker	Eshoo	Etheridge	Stark			
Gerlach	Myrick	Wilson (NM)	Farr	Fattah	Stupak			
Gilchrest	Neugebauer	Wilson (SC)	Ferguson	Ferguson	Sutton			
Gillmor	Nunes	Wolf	Filner	Giffords	Tanner			
Gingrey	Paul	Young (AK)	Fortenberry	Gilchrest	Tauscher			
Gohmert	Pearce	Young (FL)	Frank (MA)	Gillibrand	Taylor			
Goode	Pence		Gerlach	Gonzalez	Thompson (CA)			
			Giffords	Gordon	Thompson (MS)			
			Gillibrand	Green, Al	Tierney			
			Gonzalez	Green, Gene	Towns			
			Gordon	Grijalva	Udall (CO)			
			Green, Al	Gutierrez	Udall (NM)			
			Hall (NY)	Hall (NY)	Van Hollen			
					Velázquez			
					Visclosky			
					Walsh (NY)			
					Walz (MN)			
					Wasserman			
					Schultz			
					Waters			
					Watson			
					Watt			
					Waxman			
					Weiner			
					Welch (VT)			
					Wexler			
					Wilson (OH)			
					Wolf			
					Woolsey			
					Wu			
					Wynn			
					Yarmuth			

NOT VOTING—9

Burton (IN)	Cooper	McHenry
Buyer	Johnson, Sam	Norwood
Calvert	Lucas	Peterson (MN)

□ 1759

Mr. KING of New York changed his vote from “yea” to “nay.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. For what purpose does the gentleman from Washington rise?

Mr. McDERMOTT. Madam Speaker, I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 163, not voting 8, as follows:

[Roll No. 40]

YEAS—264

Abercrombie	Aderholt	Altmire
Ackerman	Allen	Andrews

Akin	Bilbray	Boren
Alexander	Bilirakis	Boustany
Bachmann	Bishop (UT)	Brady (TX)
Bachus	Blackburn	Brown (SC)
Baker	Blunt	Burgess
Barrett (SC)	Boehner	Camp (MI)
Barrow	Bonner	Campbell (CA)
Barton (TX)	Bono	Cannon
Biggert	Boozman	Cantor

NAYS—163

NOT VOTING—8

Burton (IN)	Cooper	McHenry
Buyer	Johnson, Sam	Norwood
Calvert	Lucas	

□ 1809

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONGRATULATING THE GRAND VALLEY STATE UNIVERSITY LAKERS FOR WINNING THE 2006 NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP

The SPEAKER. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 62.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 62, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 13, as follows:

[Roll No. 41]

YEAS—422

Abercrombie Deal (GA) Jindal
Ackerman DeFazio Johnson (GA)
Aderholt DeGette Johnson (IL)
Akin Delahunt Johnson, E. B.
Alexander DeLauro Jones (OH)
Allen Dent Jordan
Altmire Diaz-Balart, L. Kagen
Andrews Diaz-Balart, M. Kanjorski
Arcuri Dicks Kaptur
Baca Dingell Keller
Bachmann Doggett Kennedy
Bachus Donnelly Kildee
Baird Doolittle Kilpatrick
Baker Doyle Kind
Baldwin Drake King (IA)
Barrett (SC) Dreier King (NY)
Barrow Duncan Kingston
Bartlett (MD) Edwards Kirk
Barton (TX) Ehlers Klein (FL)
Bean Ellison Kline (MN)
Becerra Ellsworth Knollenberg
Berkley Emanuel Kucinich
Berman Emerson Kuhl (NY)
Berry Engel LaHood
Biggart English (PA) Lamborn
Bilbray Eshoo Lampson
Bilirakis Etheridge Langevin
Bishop (GA) Everett Lantos
Bishop (NY) Fallin Larsen (WA)
Bishop (UT) Farr Larson (CT)
Blackburn Fattah Latham
Blumenauer Feeney LaTourette
Blunt Ferguson Lee
Boehner Filner Levin
Bonner Flake Lewis (CA)
Bono Forbes Lewis (GA)
Boozman Fortenberry Lewis (KY)
Boren Fossella Linder
Boswell Foxx Lipinski
Boucher Frank (MA) LoBiondo
Boustany Franks (AZ) Loebsack
Boyd (FL) Frelinghuysen Lofgren, Zoe
Boyd (KS) Gallegly Lowey
Brady (PA) Garrett (NJ) Lungren, Daniel
Brady (TX) Gerlach E.
Braley (IA) Giffords Lynch
Brown (SC) Gilchrest Mack
Brown, Corrine Gillibrand Mahoney (FL)
Brown-Waite, Gillmor Mahoney (NY)
Ginny Gingrey Manzullo
Buchanan Gohmert Marchant
Burgess Gonzalez Markey
Butterfield Goode Marshall
Camp (MI) Goodlatte Matheson
Campbell (CA) Gordon Matsui
Cannon Granger McCarthy (CA)
Cantor Graves McCarthy (NY)
Capito Green, Al McCaul (TX)
Capps Green, Gene McCollum (MN)
Capuano Grijalva McCotter
Cardoza Gutierrez McCrery
Carnahan Hall (NY) McDermott
Carney Hall (TX) McGovern
Carson Hare McHugh
Carter Harman McIntyre
Castle Hastert McKeon
Castor Hastings (FL) McMorris
Chabot Hastings (WA) Rodgers
Chandler Hayes McNeerney
Clarke Heller McNulty
Clay Hensarling Meehan
Cleaver Herger Meek (FL)
Clyburn Herseth Meeks (NY)
Coble Higgins Melancon
Cohen Hill Mica
Cole (OK) Hinchey Michaud
Conaway Hinojosa Millender-
Conyers Hirono McDonald
Costa Hobson Miller (FL)
Costello Hodes Miller (MI)
Courtney Hoekstra Miller (NC)
Cramer Holden Miller, Gary
Crenshaw Holt Miller, George
Crowley Honda Mitchell
Cubin Hooley Mollohan
Cuellar Hoyer Moore (KS)
Culberson Hulshof Moore (WI)
Cumming Hunter Moran (KS)
Davis (AL) Inglis (SC) Moran (VA)
Davis (CA) Inslee Murphy (CT)
Davis (IL) Israel Murphy, Patrick
Davis (KY) Issa Murphy, Tim
Davis, David Jackson (IL) Murtha
Davis, Jo Ann Jackson-Lee Myrick
Davis, Lincoln (TX) Nadler
Davis, Tom Jefferson Napolitano

Neal (MA) Roybal-Allard Tancredo
Neugebauer Royce Tanner
Nunes Rumpersberger Tauscher
Oberstar Rush Taylor
Obey Ryan (OH) Terry
Oliver Ryan (WI) Thompson (CA)
Ortiz Salazar Thompson (MS)
Pallone Sali Thornberry
Pascarell Sánchez, Linda Tiahrt
Pastor T. Tiberi
Paul Sanchez, Loretta Tierney
Payne Sarbanes Towns
Pearce Saxton Udall (CO)
Pelosi Schakowsky Udall (NM)
Pence Schiff Upton
Perlmuter Schmidt Van Hollen
Peterson (MN) Schwartz Velázquez
Peterson (PA) Scott (GA) Visclosky
Petri Scott (VA) Walberg
Pickering Sensenbrenner Walden (OR)
Pitts Serrano Walsh (NY)
Platts Sessions Walz (MN)
Pomeroy Sestak Wamp
Porter Shadegg Wasserman
Price (GA) Shays Schultz
Price (NC) Shea-Porter Waters
Pryce (OH) Sherman Watson
Putnam Shimkus Watt
Radanovich Shuler Waxman
Rahall Shuster Weiner
Rangel Simpson Welch (VT)
Rehberg Sires Weldon (FL)
Reichert Skelton Weller
Renzi Slaughter Westmoreland
Reyes Smith (NE) Wexler
Reynolds Smith (NJ) Whitfield
Rodriguez Smith (TX) Wicker
Rogers (AL) Smith (WA) Wilson (NM)
Rogers (KY) Snyder Wilson (OH)
Rogers (MI) Solis Wilson (SC)
Rohrabacher Souder Wolf
Ros-Lehtinen Space Woolsey
Roskam Spratt Wu
Ross Stupak Wynn
Rothman Sullivan Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Burton (IN) Jones (NC) Poe
Buyer Lucas Stark
Calvert McHenry Turner
Cooper Musgrave
Johnson, Sam Norwood

□ 1819

So (two-thirds of those being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TURNER. Madam Speaker, on rollcall No. 41, on H. Res. 62, I am not recorded. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CALVERT. Madam Speaker, pursuant to my leave of absence, I am submitting for the RECORD how I would have voted if I had been present earlier today.

I would have voted as follows on today's recorded votes:

Rollcall No. 34, "yea"—Motion to Adjourn; Rollcall No. 35, "no"—Ordering the Previous Question; Rollcall No. 36, "no"—Agreeing to H. Res. 66; Rollcall No. 37, "no"—On Consideration of H.R. 6; Rollcall No. 38, "yea"—Motion to Recommit H.R. 6; Rollcall No. 39, "no"—Motion to Table the Appeal of the Ruling of the Chair; Rollcall No. 40, "no"—Final Passage of H.R. 6; Rollcall No. 41, "yea"—Adoption of H. Res. 62—Congratulating the Grand Valley State University Lakers.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, pursuant to the prior order of the House, would it be in order to call up H.R. 475 at this time?

The SPEAKER pro tempore. The order of the House provides that the bill may be brought up at any time.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Madam Speaker, pursuant to the prior order of the House, regarding H.R. 475, is it correct that it allows for just 15 minutes of debate on each side, that is, 30 minutes total?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further inquiry.

Mr. PRICE of Georgia. Is the Chair aware of any other legislative business that we are doing today?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. PRICE of Georgia. Is the Chair aware of any further legislative business that we are doing today?

The SPEAKER pro tempore. The Chair would advise the gentleman to consult the leaderships on that question.

Mr. PRICE of Georgia. Further inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. We do indeed understand the majority's desire to have a 5-day workweek, but is 30 minutes of work on a Friday considered a full day?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. PRICE of Georgia. Madam Speaker, I move to call up H.R. 475.

The SPEAKER pro tempore. Only a manager identified by the order of the House would be recognized to call up that bill.

Mr. PRICE of Georgia. I thank the Chair.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 18, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This letter is to advise you that, effective today, I am taking a

leave of absence from the House Armed Services Committee in order to serve on the House Permanent Select Committee on Intelligence. I understand that I will retain my seniority on the Armed Services Committee for the duration of my leave.

Thank you for your assistance with this matter.

Sincerely,

JAMES R. LANGEVIN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MCGOVERN. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 75) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 75

Resolved, That the following named Members and Delegate be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Meek of Florida (to rank immediately after Mr. Cummings).

(2) COMMITTEE ON FINANCIAL SERVICES.—Mr. Boren.

(3) COMMITTEE ON THE JUDICIARY.—Mr. Berman, Mr. Boucher, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Ms. Linda T. Sánchez of California, Mr. Cohen, Mr. Johnson of Georgia, Mr. Gutierrez, Mr. Sherman, Mr. Weiner, Mr. Schiff, Mr. Davis of Alabama, Mr. Ellison.

(4) COMMITTEE ON NATURAL RESOURCES.—Mr. Kildee, Mr. Faleomavaega, Mr. Abercrombie, Mr. Ortiz, Mr. Pallone, Mrs. Christensen, Mrs. Napolitano, Mr. Holt, Mr. Grijalva, Ms. Bordallo, Mr. Costa, Mr. Boren, Mr. Sarbanes, Mr. George Miller of California, Mr. Markey, Mr. DeFazio, Mr. Hinchey, Mr. Kennedy, Mr. Kind, Mrs. Capps, Mr. Inslee, Mr. Udall of Colorado, Mr. Baca, Ms. Solis, Ms. Herseth, Mr. Shuler.

(5) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Mr. Udall of Colorado, Mr. Wu, Mr. Baird, Mr. Miller of North Carolina, Mr. Lipinski, Mr. Lampson, Ms. Giffords, Mr. McNerney, Mr. Rothman, Mr. Honda, Mr. Matheson, Mr. Ross, Mr. Chandler, Mr. Carnahan, Mr. Melancon, Mr. Hill, Mr. Mitchell, Mr. Wilson of Ohio.

(6) COMMITTEE ON VETERANS' AFFAIRS.—Ms. Berkley (to rank immediately after Mr. Doyle), Mr. Walz of Minnesota.

Mr. MCGOVERN (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. PEARCE. Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 47

Mr. BUTTERFIELD. Madam Speaker, I ask unanimous consent to remove the name of Ms. MILLENDER-MCDONALD as a cosponsor from H.R. 47. Her name was placed on this bill in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. For what purpose does the gentleman from Texas rise?

Mr. GOHMERT. Madam Speaker, I rise to a question of personal privilege.

Madam Speaker, the question of personal privilege to which I rise is one regarding the tarnish that is on my reputation and the reputation of others here in this body.

We had heard for the last couple of years the term "culture of corruption"; and, frankly, one of the things that I looked forward to is an end to all this discussion about corruption that tarnishes each one of us. And I know for all of the people whom I am close to it is a big deal as far as our reputation when it is tarnished.

And so what I would submit is that in the last 2 weeks that we have not cleared a culture of corruption; that a cloud of corruption has hovered over this body, it hovers over me now, tarnishing all that we are and that I am. And to have an American territory excluded from a minimum wage bill that directly benefits one of the Members, in fact the Speaker and a company—

The SPEAKER pro tempore. The gentleman will suspend.

Under rule IX, the gentleman has not stated a basis for a question of personal privilege.

Mr. GOHMERT. Point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. Under rule IX, it is provided in the precedents that any time someone's reputation has been tarnished or sullied, it may be addressed.

I would in fact direct you to the second page of section 708 regarding the prior usage for the question of personal privilege. And you will find on the second page of the reference in section 708 of the Rules and Practice Manual that Former Speaker Jim Wright rose to a question of personal privilege and he addressed a matter that was sully the reputation of the House, and him in particular, and addressed it in order to clear the air.

If you look underneath that in that same page, it references Speaker Gingrich, who rose to a question of personal privilege in order to clear the air and the cloud and allegation of corruption that had arisen. And then, beneath that you will see a reference of a precedent from Speaker HASTERT in 2000 who

rose to a question of personal privilege to clear the air and clear the question of malfeasance over the issue of the selection of the Chaplain.

□ 1830

The SPEAKER pro tempore. The Chair would be pleased to examine the basis on which the gentleman from Texas would rely, individually, to be recognized on a point of personal privilege.

Mr. GOHMERT. Well, then perhaps it would be better for the Speaker to come so we can clear the air and get this matter behind us so we can move forward in a bipartisan manner. If it was a staff member or someone else that allowed American Samoa to be exempted, we can get it cleared. The question of personal privilege would disappear. I would rise to make that—

The SPEAKER pro tempore. The gentleman will suspend.

If the gentleman has documents, newspaper articles, or the like, that identify him personally, he may rely on them as a basis for a question of personal privilege.

Mr. GOHMERT. I have a constitutional point of order.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. GOHMERT. Madam Speaker, under Article I, section 6, a matter that was discussed at some length in the past year, it says that for any speech or debate in either House, they, the Senators and Representatives, shall not be questioned in any other place.

This is the only place in which a question of personal privilege, in which a matter that is tarnishing anyone's reputation or everyone's reputation in here may be addressed. If I will not be allowed to go further with the question of personal privilege, I would ask the Speaker to rise to a question of personal privilege as the last three Speakers have under Article I, section 6, clear the air, clear the cloud of corruption that is hovering over us so we can move forward in a clean and wholesome, bipartisan environment. And I will do as the Parliamentarian has requested.

The SPEAKER pro tempore. Under the precedents of this House, the Chair would be pleased to examine any documentary evidence the gentleman might bring to her attention in order to be able to proceed on a question of personal privilege. The Chair presently has no basis for decision. The Chair would ask the gentleman to conform to precedent to be allowed to proceed. The Chair has not been provided anything to examine as the basis of his question of personal privilege.

Mr. GOHMERT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GOHMERT. Is the Speaker asking or directing that I bring in articles

and things into this House to present to the Speaker here in this floor of the House?

The SPEAKER pro tempore. The Chair at this moment is unable to identify a valid basis for a question of personal privilege. The Chair would encourage the gentleman to give the Chair a basis for decision.

Mr. GOHMERT. The law on its face and what we just passed exempted a territory. It should be very clear.

The SPEAKER pro tempore. The gentleman is not recognized.

APPOINTMENT OF MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mrs. MALONEY, New York.

KEEP ECONOMY ROLLING

(Mr. FEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEENEY. Madam Speaker, recently President Bush wrote that now is not the time to increase taxes on the American people. As the stock market hits an all-time high, employment is at an all-time high, unemployment is at a record low. Unfortunately, the first couple weeks in this House is not a good indication of Democratic leadership.

In week number one, we effectively repealed the three-fifths requirement to raise taxes.

In week number two, we passed a so-called PAYGO law that says any of the new liberal spending programs are going to be accompanied with huge new tax increases on the people of America.

And today, with the first major tax increase in 10 years, \$7 billion is put on the backs of American energy producers that will directly translate to higher gas prices at the pump.

I ask all of my colleagues, Democrats and Republicans, to sign a letter that is on your desk where we encourage the President to veto any bad tax increases, and we pledge to sustain that veto. Democrats and Republicans alike ought to keep this economy rolling. Please sign the letter that is on your desk. I welcome all of my colleagues to join me.

REMEMBERING WILFRED G. GOODEN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to pay tribute to Wilfred G. Gooden, who passed in January of this year. Wilfred G. Gooden was

a philanthropist, and certainly someone who loved his country, but loved service.

Born in Jamaica, West Indies in the Westmoreland area, he was a naturalized citizen. He came to New York City. In his commitment to serving the community, he became a master builder and opened a construction company in 1961 where he created jobs for young men and women in the Harlem area. He was a master artisan, a carpenter, a perfectionist in his work.

As he became an astute businessperson, he also was concerned about affordable housing for many in the New York area. Mayor David Dinkins appointed him to have the opportunity to devise a housing program for the City of Houston. But yet he continued to do more, and he was a great philanthropist, providing clothing and opportunity for the people of Jamaica. We pay great tribute to Wilfred Gooden, and we mourn his loss.

RAILROAD OVERSIGHT

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Madam Speaker, I rise today to bring attention to an issue that concerns all of us, and that is railroad safety.

On Tuesday night, there was a train derailment near my congressional district in East Rochester, Monroe County, New York. Fortunately, no one was injured. There have been dozens of other derailments in New York: Recently, on December 28 along route 15 in Gang Mills, in which cars were carrying butane.

According to an online Federal Railroad Administration database, defective tracks have been the number one cause of train derailments since 1996 in New York and Monroe County.

Madam Speaker, I understand the role of railroads and the importance they serve in transporting goods and people across the country. As a member of the House Transportation Committee which oversees the railroad industry, I firmly believe that Congress must provide more thorough oversight of this industry.

Furthermore, I believe that Congress, CSX, and the Federal Railroad Administration and the Department of Environmental Conservation must work together to identify what must be done to avoid similar disasters in the future.

Madam Speaker, I look forward to working with my colleagues in Congress to create a safer, more efficient rail system for everyone.

AMERICAN SAMOA UNDER FAIR LABOR STANDARDS ACT

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, I just want to make a point of

clarification for my friend here from Texas, insinuating and implying there was something special given to my district, American Samoa, over this minimum wage issue.

I suggest the gentleman should read the provisions of the Fair Labor Standards Act. American Samoa has been subjected to the minimum wage law since 1938. So I suggest to my Republican friends, they ought to check their law and find out what the situation has been.

The Northern Mariana Islands was not even in existence for the past 50 years, only until 1976. So I want to clarify that for the record. And I suggest to my friend from Texas, read the law before you start making accusations against the Speaker, insinuating and implying that her character, that she applied a double standard to the company that supposedly has been operating in my district. I suggest to my friend from Texas, read the law before you start attacking the Speaker on this matter.

ILLEGAL IMMIGRATION CRISIS IN ARIZONA

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GIFFORDS. Madam Speaker, with the completion of the first 100 hours, I stand here today to discuss an issue of critical importance to southern Arizona, and that is our illegal immigration crisis.

Let me point out two recent events. On January 12, a Border Patrol agent had a deadly altercation with an illegal immigrant crossing into our district. That investigation is going on at this moment. A couple of weeks ago, members of the National Guard unit assigned to work with the Border Patrol were threatened by an armed gang that came into our country and then left. That incident is being looked at.

While many questions still surround these recent incidents, one thing is crystal clear: Now that our 100 hours are over, we must address the illegal immigration crisis and secure the border today.

We are putting our Border Patrol and the National Guard under tremendous strain. It is our responsibility to provide them with the necessary resources and the tools they need.

Fighting for a comprehensive immigration plan must be a priority for this Congress, Democrats and Republicans working together.

STRONG SUPPORT FOR H.R. 6, CLEAN ENERGY ACT

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, I rise this afternoon to express my strong support for H.R. 6, the CLEAN

Energy Act of 2007. This bill will help move our country toward a goal shared by all Americans, a desire to reduce our dependence on foreign oil by shifting our energy emphasis from the Middle East to the Midwest.

According to the GAO, the United States has spent \$130 billion in the past 32 years in government subsidies to the oil industry. The CLEAN Energy Act of 2007 represents a bold new direction in our energy policy by creating a strategic renewable energy reserve to invest in clean renewable energy resources like ethanol, biodiesel and wind energy.

As someone whose family has been farming in Iowa for the past 150 years, I am proud that Iowa has been at the epicenter of the renewable fuels explosion and alternative energy boom with over 55 ethanol and biodiesel refineries built or under construction. Iowa also ranks third in wind energy production and tenth in wind energy potential in the United States.

Madam Speaker, I am proud to have had the privilege to have voted today for the CLEAN Energy Act of 2007.

CLOUD OF CORRUPTION

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Madam Speaker, I appreciate so much my friend from American Samoa coming in here. I am not casting any aspersions on him or his wonderful territory. I didn't throw allegations or aspersions on anyone. But there is a cloud of corruption hovering over this body that effects every one of us, and it would be so easy to get the air cleared. But there is really one person that could clear the air.

For so long people in this country cynically say: It is not what you know, it is who you know. Many of us say: That is not the case.

I believe if the Speaker would come forward, rise to a question of personal privilege, Madam Speaker, we could get this thing resolved and get it behind us so it is no longer an issue, and figure out how in the world a group, a territory got exempted that actually benefits a company in the Speaker's own district. And then we will be beyond it and move on in a bipartisan way, which I hope we will eventually have the opportunity to do.

□ 1845

ENERGY SECURITY

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Madam Speaker, in these opening weeks of the 110th Congress, the Democratic majority in the House has succeeded in passing a package of bills that is designed to secure America. We passed a bill to improve our Nation's ability to prevent another

9/11 style attack on our country. We have made life a little more secure for millions in the United States who toil at the minimum wage, and millions of young people who leave college with a degree and a mountain of debt. We have secured the ability of America's medical researchers to explore and exploit the life-saving potential of stem cells. We have committed this government to safeguarding our economic security by ending years of fiscal irresponsibility. And today, we have begun what may be the most important project of all, to ensure America's energy security by ending our dependence on foreign oil and developing clean, green renewable sources of energy.

Ensuring our energy security will require more than just the protection of American oil supplies from terrorists in hostile nations. It will also mean we find homegrown fuel sources that reduce our dependence on foreign oil.

It will mean that we pare down our energy consumption and promote efficiency. It will mean that we transition to renewable energy sources that ensure a clean, dependable energy supply for years to come.

There are those who say that it would cost too much to shift our infrastructure over to new energy sources. They say that the market has decided that coal and oil are the cheapest energy, and that switching to renewable energy would harm our economy.

This is shortsighted, false, and, ultimately, dangerous because much of the true cost of oil and coal don't appear on the gas pump or on our electric bills. Extracting coal and oil harms the environment and burning fossil fuels produces pollution that clogs our cities and greenhouse gases that warm our atmosphere. Tens of thousands of Americans get lung cancer and other respiratory diseases from power plant air pollution and this, too, is part of the true cost of "cheap" energy. These expenses are paid by the American people just as surely as they pay their electric bills.

But to find the true cost of a barrel of oil, we must look further, to a foreign policy beholden to oil and gas, and that price is too steep.

Today the House passed a bill that will roll back tax breaks for oil and gas companies and reform the royalty relief system that has cost American taxpayers billions of dollars. The \$13 billion dollars saved by this overdue reform will be placed in a strategic reserve to be spent on programs to accelerate the adoption of renewable energy and alternative fuels, promote energy efficiency, and step up research on advanced energy technologies. Initiatives like these are the only way to permanently reduce our dependence on foreign oil, and this bill is a good first step on the road to true energy security.

European and Asian competitors are already developing technologies that will reduce fuel consumption and lower emissions of greenhouse gases. Rather than American entrepreneurs, it is our competitors who are prospering from these developments. By marshaling America's great strengths, our inventiveness, our technological prowess, and our entrepreneurial spirit, we can better secure our Nation, save our environment, and become the world leader in this cutting-edge industry.

We must encourage the development of flexible-fuel and hybrid vehicles. These vehi-

cles can be built with today's technology and will enable a smooth transition from gasoline to biofuels.

We must raise the corporate average fuel economy standards.

We must invest in research and development of new energy technologies, like wind power, cheap solar cells, plug-in hybrid cars, and cellulosic ethanol. The new energy economy will be dominated by rapid innovation, and the scientific investment we make now will be paid back with interest by the technologies it creates.

We must encourage employers to offer mass-transit benefits so that employees can commute without their cars, and support mass transit systems around the country.

We must pass global warming legislation to reduce our output of carbon dioxide and other greenhouse gases. Many of America's most successful companies have realized that something must be done to contain global warming and they are now pushing Congress to lead.

We know what must be done to end our dangerous addiction to oil. All we need now is the will to do it.

Madam Speaker, we have lost so much time since 9/11, time that could have been so profitably used to reduce our dependence on foreign oil. But it is not too late to abruptly and constructively change course. The American people are ready for a clean energy economy, and the bill we passed today will begin to put our country on that new road to energy independence and a more secure future.

LOOKING FORWARD TO GREATER PARTICIPATION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, the Democrat Party has just ended its 6 for 600 hours, or whatever they call it. I wish I had a clock at home that tracked hours the way the Democrats did. By that standard, I would be 25 years old, and probably look a lot better, as a matter of fact; more youthful.

But I want to say this. The Democrats did this agenda based on kind of, you know, trite, older, more established, safer issues. There was no real reach for the sky here; no entitlement reform, no tax simplification, no energy independence. What they did also was cram down a bunch of things that bypassed the committee process, and I want to give a contrast with the Contract With America.

The Contract With America was 24 pieces of legislation. The number of bills we had open to amendment was nine. The number of bills considered under a closed rule was only three. The numbers of bills considered under suspension of the rules was only two. The total number of Democrat amendments, 154, of which only 95 failed. Many, many Democrat amendments passed.

I hope, as we go into your next 200 or 300 hours, that we can have a more participatory democracy.

COMMUNICATION FROM THE HONORABLE STEVE CHABOT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable STEVE CHABOT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with three subpoenas, issued by the Municipal Court of Hamilton County, Ohio, for testimony in criminal cases.

I do not appear to have any relevant or material testimony to offer, and the parties who issued the subpoenas have declined to inform me what testimony they seek from me. Accordingly, after consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is inconsistent with the precedents and privileges of the House.

Sincerely,

STEVE CHABOT,
Member of Congress.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-8)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on January 20, 2006 (71 FR 3407).

The crisis with respect to the grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or ef-

fect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, January 18, 2007.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of today, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REPEATING THE MISTAKES OF VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, you have been doing a wonderful job up there today.

Madam Speaker, I rise today for the 180th time in the last few years to challenge the Congress and the President to end the destructive, violent, senseless military occupation of Iraq.

A generation ago, Madam Speaker, Democratic and Republican Presidents alike entangled the Nation in a foolish and unnecessary war. Even after a decade, and thousands upon thousands of American casualties in the jungles of Vietnam, our leaders could not bring themselves to publicly admit what most Americans knew; that the United States was asking its youngest and bravest to risk life and limb on an unwinnable mission.

Today, our President is repeating this American tragedy. President Bush said that his goal is to win in Iraq. But he has offered no clear idea of what he means by this or how it is achieved. He just knows he doesn't want to lose.

The bipartisan Iraq Study Group concluded that the United States cannot win in Iraq; that the only question is how best to exit. Iraq is mired in a civil war, and even though we helped ignite it, we have very little influence on its outcome. You can't expect American soldiers as brave, as intelligent, and honorable as they are to solve a religious and sectarian conflict that stretches back centuries.

Whether we stay or leave, the Iraqis will be the ones to decide their own

fate. Yet President Bush is sending 20,000 more American lives into mortal danger, and spending \$100 million a day just to avoid the humiliation of admitting that his policy has been fundamentally flawed from the very beginning. I think most Americans would prefer the wounding of Presidential pride to the wounding of thousands more of their countrymen and women.

That is why I joined my distinguished colleagues, Ms. WATERS and Ms. LEE, yesterday in introducing the first comprehensive legislation that will quickly, within a 6-month time frame, end the occupation and bring our troops home.

In addition to military withdrawal, the Bring Our Troops Home and Solvency of Iraq Restoration Act would accelerate training of a permanent Iraqi security force during the 6-month transition. It would authorize, only upon the Iraqi government's request, a 2-year U.S. support for an international stabilization force, which would be combined with economic and humanitarian assistance.

Our bill would also prohibit the construction of permanent U.S. military bases in the country; ensure Iraqi control over its own oil supplies; and guarantee full health care funding, including mental health, for U.S. veterans of military operations in Iraq and other conflicts.

It is not enough to stand up and speak out against the President's new escalation plan. I am concerned not just about the 21,000 soldiers that are already being deployed as an add-on to this occupation, I am losing sleep over the 130,000 who are already there. I want to see them returned, and I want to see them returned safely to their families. It is not just the President's escalation of this policy that is unconscionable, it is the policy itself.

That is why our new bill is the answer. That is why it is time to end the occupation now. I fear that in 3 months he will ask for yet another chance to make his plan work and ask more American families to sacrifice. He will tell us once again that he must win. But, really, it will be about saving face, running out the clock until January 2009 when he can make this some other President's problem.

Our more than capable young men and women in Iraq have shown great courage, and it is time that our leaders in Washington showed some courage of their own and stopped trying to defend the indefensible. It took a long time to muster that courage in Vietnam. It is time we have that courage here.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRATS RAISE TAXES AFTER ONLY TWO WEEKS IN POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, on the first day that Republicans took control of the Congress in 1995, one of their very first actions was to establish a rule that required a supermajority, or three-fifths vote, to raise taxes. This was a good thing, Madam Speaker. On the very first day of Congress in 2007, however, the Democrats established new rules in this Chamber to make it easier to raise taxes with a simple majority vote.

And now, after just 2 weeks in power, the Democrats, our colleagues, have already passed legislation today to raise taxes. What is worse, the taxes that are collected under this new bill will not be going toward deficit reduction or toward paying down the Federal debt. The money is going to be set aside in a special account for more spending.

In Minnesota, we had a phrase when we were in session. We said, hold on to your wallets. And we can say that to the American people right now.

As a Federal tax litigation attorney myself, as a small business owner with my husband Marcus, and as a mother to Lucas, Harrison, Elisa, Caroline, and Sophia, and our 23 foster children, I can tell you as a parent the best way to grow an economy, the best way to raise more jobs is not to raise taxes but to let people, families, keep more of their hard-earned money.

In 2003, tax relief was passed, and the great thing is that 7.2 million jobs were created. In fact, our economy has been adding jobs for 40 straight months. The unemployment rate is incredibly low, at 4.5 percent, well below the average of the last 40 years.

Nowhere are the results more evident, Madam Speaker, than in my home State of Minnesota, which has closed out the calendar year with 54,000 more jobs than at the end of 2005, the strongest job growth since 1999. Our State's annual job growth rate of 2 percent has outpaced the national rate of 1.4 percent. Our unemployment rate is the envy of the Nation, phenomenally low at 4.2 percent.

Meanwhile, tax revenues are absolutely surging into the Treasury. Guess what? Federal receipts rose 14 percent in 2005, 11 percent in 2006, and they kept rising by 9 percent the first 2 months of 2007. These are the highest consecutive revenue increases in the past 25 years.

America, did you hear that? The highest revenue increases in the past 25 years. They come on the heels of the largest tax relief measures in American history.

□ 1900

And the budget deficit, in turn, has fallen \$165 billion over 2 years. And just as the economy is gaining tremendous momentum, now, unfortunately, my

Democrat colleagues are saying, this is the time to raise taxes.

Madam Speaker, I have learned very quickly in the few days I have been here in Washington, D.C., that facts don't always get in the way of people's opinions here in this fair city. But it is hard to dispute 3 years of unparalleled prosperity.

It is important that we recognize what tax relief does for the average American. It gives us money, a chance to grow a business, a chance to raise our kids while growing the economy and raising a lot more jobs in the process.

I urge my colleagues here in this Chamber, my esteemed colleagues who I have come to respect, to reject new taxes. Instead, let's do this. Let's work to make the tax reduction rates permanent now, while we can, and continue to reduce the overall tax burden.

The American people deserve our best, and the colleagues here are the best from across the country. Let's do that for the American people.

SRI LANKA'S CIVILIANS

The SPEAKER pro tempore (Ms. SUTTON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise this evening to bring attention to the full blown violence taking place in Sri Lanka. The last round of talks in Geneva ended up in a failure, and there are no signs of new negotiations. There is no peaceful solution in sight, and it is the civilians who are desperately suffering.

Since 1983, the Liberation Tigers of Tamil Eelam (LTTE) has been in a military confrontation with the Government of Sri Lanka to win a separate ethnic minority Tamil state. Since last April, more than 200,000 people have been displaced from their homes by the escalation in violence and insecurity. And this is in addition to more than 310,000 people who were displaced previously due to the conflict.

Now, because of this violence, the main highway connecting the two major areas in the north and east region of the country is closed, forcing civilians to use tortuous routes to reach safety. In recent months about 20,000 people have fled through jungles and treacherous waterways towards the government-controlled territory.

Thousands who have not fled are trapped in eastern Sri Lanka and caught between the intense crossfire. Every day there are more news stories highlighting the increasing casualties among the civilian populations, especially children and young adults. Violence continues in other parts of the island nation as well. And many civilians have been killed in air raids and bus bombings in recent weeks. Families live in constant fear, anxiously hoping for their security.

Now, meanwhile, Madam Speaker, access for humanitarian agencies has

been a growing problem over the past year. Civilians in Jaffna in the north and in the affected districts of the east have had great difficulty obtaining necessary food and medical supplies.

Both the government and the Tigers should commit to providing humanitarian agencies with unregulated access and full support.

Madam Speaker, the army says the civilians are being used as human shields by the Tamil Tigers. The Tigers deny this claim and accuse the army of targeting civilians to facilitate their forthcoming offensive. And regardless of blame, innocent civilians are dying.

After nearly 25 years of violence, it is clear: there can be no military solution to the conflict. A negotiated political settlement must be reached, and that one will have to be fair to all of the ethnic communities living in the country of Sri Lanka.

I am deeply troubled by the worsening situation in Sri Lanka, Madam Speaker, and it must be addressed by the United States. I commend the commitment by the Bush administration to provide funding for refugees, but I strongly urge President Bush to further U.S. involvement to help secure a lasting peace.

Last week I added my name to a letter urging President Bush to appoint a special envoy for Sri Lanka. The letter is being circulated by my friend from New Jersey, Mr. RUSH HOLT. And I urge my colleagues to also sign on. By naming a special envoy, the U.S. can create a personal monitoring presence in the country and make recommendations for steps to lead to peace. Sri Lanka, more than ever before, needs U.S. engagement.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks).

EVERYONE SUPPORTS THE TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, I have never met anyone who did not support our troops. Sometimes, however, we hear accusations that someone or some group does not support the men and women serving in our Armed Forces. But this is pure demagoguery, and it is intellectually dishonest. The accusers play on emotions to gain support for controversial policies, implying that those who disagree are unpatriotic. But keeping our troops out of harm's way, especially when the war is unnecessary, is never unpatriotic. There is no better way to support the troops.

Since we now know that Iraq had no weapons of mass destruction and was

not threatening anyone, we must come to terms with 3,000 American deaths and 23,000 American casualties. It is disconcerting that those who never believed the justifications given for our invasion and who, now, want the war ended, are still accused of not supporting the troops. This is strange, indeed.

Instead of questioning who has the best interest of our troops at heart, we should be debating which policy is best for our country. Defensive wars to preserve our liberties, fought only with proper congressional declarations are legitimate. Casualties under such circumstances still are heartbreaking, but they are understandable. Casualties that occur in undeclared, unnecessary wars, however, are bewildering. Why must so many Americans be killed or hurt in Iraq when our security and our liberty were never threatened?

Cliches about supporting the troops are designed to distract from failed policies, policies promoted by powerful special interests that benefit from war, anything to steer the discussion away from the real reasons the war in Iraq will not end anytime soon.

Many now agree that we must change our policy and extricate ourselves from the mess in Iraq. They cite a mandate from the American people for a new direction. This opinion is now more popular and, thus, now more wildly held by politicians in Washington. But there is always a qualifier. We can't simply stop funding the war because we must support the troops. I find this conclusion bizarre. It means one either believes the support-the-troops propaganda put out by the original promoters of the war, or that one actually is for the war after all, despite the public protestations.

In reality, support for the status quo and the President's troop surge in Iraq means expanding the war to include Syria and Iran. The naval buildup in the region and the proxy war we just fought to take over Somalia demonstrate the administration's intention to escalate our current war into something larger.

There is just no legitimacy to the argument that voting against funding the war somehow harms our troops. Perpetuating and escalating the war only serves those whose egos are attached to some claimed victory in Iraq and those with a determination to engineer regime change in Iran.

Don't believe for a minute that additional congressional funding is needed so our troops can defend themselves or extricate themselves from the war zone. That is nonsense. The DOD has hundreds of billions of dollars in the pipeline available to move troops anywhere on Earth, including home.

We shouldn't forget that the administration took \$600 million from the war in Afghanistan and used it in Iraq before any direct appropriations were made for the invasion of Iraq. Funds are always available to put troops in harm's way. They, likewise, are always available for leaving a war zone.

Those in Congress who claim they want the war ended, yet feel compelled to keep funding it, are badly misguided. They either are wrong in their assessment that cutting funds would hurt the troops, or they need to be more honest about supporting a policy destined to dramatically increase the size and the scope of this war. Rest assured, one can be patriotic and truly support the troops by denying funds to perpetuate and spread this ill-advised war.

The sooner we come to this realization, the better it will be for all of us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CLEAN ENERGY ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I was pleased to cast my vote today for the CLEAN Energy Act of 2007.

Some of us have been urging energy independence for decades. In fact, President Jimmy Carter had it right over three decades ago when he said the Arab oil embargo was the moral equivalent of war. But America lost sight of his compelling vision for energy independence. We need to give birth to a new sustainable energy age that is bold and develops alternative energy supplies and the infrastructure to support it.

President Bush suddenly realized last year that we have become addicted to foreign oil, of course, most of it coming from the most undemocratic regimes in the world. But during his administration, we are importing 1 billion more barrels of oil from those very undemocratic places since he assumed office. Simply put, his rhetoric doesn't match reality.

I am pleased today that we took some important steps in shifting how Federal resources are dedicated, taking them away from preferential treatment to an oil industry with record profits and little social conscience. Instead, we must incentivize a domestically owned energy industry that has record potential, a shift that America wants and we must take.

While \$14 billion over 10 years is nothing to ignore, it is still far too little, especially since more than a third of this amount, a little more than \$5 billion, doesn't become available until the 10th year. According to the Government Accountability Office, this government has spent more than \$130 billion on subsidies to the oil industry over the last 3½ decades. So today's step forward is the first rung of the ladder to energy independence.

As this country spends billions on oil addiction, 75 percent of it being imported from the most undemocratic places in the world, I might repeat, consider an estimate by the Congressional Research Service which shows the recent increase in oil prices accounts for an additional \$60 to \$75 billion rise in our country's abysmal trade deficit.

While the oil companies manipulate the market, they continue to rake in billions. During President Bush's tenure, their profits have been record. From 2001 until the first quarter of 2006, ExxonMobil, alone, made \$118.2 billion. Now, in the bill today we talk about \$14 billion over 10 years. They made \$118.2 billion over the last 3 years. Shell has earned \$82.3 billion. Shell, one company. BP has made \$67.8 billion. Our bill today had \$14 billion over 10 years. Chevron Texaco has made \$43.1 billion, and Conoco Phillips made \$31.1 billion.

We are talking \$14 billion over 10 years, with \$5 billion in the very last year. Recognizing that those companies' profits were beginning to infuriate the public, does it surprise you that gasoline prices just happened to drop 75 cents a gallon during the run-up to last year's election for Congress?

As we consider this bill today, prices across our Nation, conveniently, are dropping. Imagine, in a place like Toledo, Ohio, they dropped from \$2.40 a gallon to \$1.75 a gallon. Isn't that strange during the week that we considered this bill?

Imagine an industry earning so much in profits it can manipulate the world and manipulate every single person in our country. Imagine the jobs we could create if we were to dedicate \$14 billion, not over 10 years, but each month, rather than spending that money on oil wars in far-flung places, invest it in solar, in wind, in geothermal, in photovoltaic energy, in fuel cells and hydrogen and clean coal production and distribution. Imagine the jobs we could create if we had vision.

These accomplishments that we seek will require not just real imagination, but real leadership. Hopefully this bill today offers a glimmer. America will, at long last, at long last, take seriously what President Jimmy Carter envisioned. He was right then. He remains right today: America must become energy independent. Our people want it. Why shouldn't this Congress deliver it?

□ 1915

The SPEAKER pro tempore (Ms. SUTTON). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PEACE NOT APARTHEID: MORE FICTION THAN FACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, in today's Washington Post, former President Jimmy Carter defended his book, "Palestine: Peace Not Apartheid."

President Carter wrote, "... most critics have not seriously disputed or even mentioned the facts ..."

But after reading the book, I have become a critic and today will only correct the facts that he purports in his book. Regarding our policy towards Israel, there is little room for mistakes, let alone outright misstatements of fact.

For that reason, I want to present to the House eight factual inaccuracies found in President Carter's book.

Error number one, on page 62, President Carter quotes Yasser Arafat as telling him, "The Palestinian Liberation Organization has never advocated the annihilation of Israel." No evidence is provided, and the book does not contain a single footnote.

Fact check, article 22 of the PLO's charter states, "The liberation of Palestine will destroy the Zionist and imperialist presence." Yasser Arafat supported this charter, and he directly lied to President Carter.

Error number two, on page 57 President Carter writes, "The 1947 armistice demarcation lines became the borders of the new nation of Israel, and were accepted by Israel and the United States, and recognized officially by the United Nations."

Fact, the 1949 armistice lines were never accepted as the official borders of Israel, United States or the United Nations. The error reflects a very poor attention to detail in the book.

Error number three, on page number 127, President Carter writes that there was "a surprising exodus of Christians from the Holy Land."

Fact, Israel is one of the only Middle Eastern nations where the Christian community has grown in the last half century. But Christian communities and other faith communities like Baha'is have dropped in size in many Muslim nations.

Error number four, on page 152 President Carter writes, "It was later claimed that the Palestinians rejected a 'generous offer' put forward by Prime Minister Barak with Israel only keeping 5 percent of the West Bank. The fact is no such offers were made."

Fact, according to President Clinton's lead negotiator, Ambassador Dennis Ross, Prime Minister Barak accepted President Clinton's proposal, offering to withdraw from 97 percent of the West Bank, to dismantle isolated settlements, and to accept the Palestinian state with Jerusalem as its capital. Arafat rejected this proposal, and a quick call between President Carter and President Clinton would have corrected this error.

Error number five, on page number 148 President Carter presents two maps he claims were considered at Camp David, one of them labeled "Israel's interpretation of Clinton's proposal."

Fact, there were no maps at Camp David. The map President Carter labeled as Israel's interpretation is a copy of a map that was created later by Dennis Ross for his book, "The Missing Peace." Ambassador Ross's map is a representation of an offer agreed to by Prime Minister Barak and rejected by Arafat. President Carter violated Ambassador Ross's copyright of the map.

Error six, on page 197 President Carter writes, "Confessions extracted through torture are admissible in Israeli courts."

Fact, the Israeli Supreme Court banned the use of torture in interrogations in a decision handed down by the court on September 6, 1999, by Supreme Court President Barak.

Error number seven, on page 188 President Carter writes, "Kadima had been expected to gain 43 seats based on its pledge of a unilateral expansion of the 'great wall.'"

Fact, Israel's Kadima Party ran on Prime Minister Sharon's platform of disengagement, a pledge to dismantle settlements and unilaterally withdraw from territory.

Error number eight, on page 215 President Carter writes that the one option for Israel is "withdrawal from the 1967 border as specified in U.N. Resolution 242."

Fact. The U.N. Security Council Resolution 242 does not define a border.

Madam Speaker, these errors, in fact, diminish the credibility of President Carter's book. President Carter is entitled to his own opinions, but not to his own facts. The errors I present here are only a sampling of the other errors included in his book.

Now, in the twilight of his career, with many at the Carter Center resigning from their posts, President Carter should recall the book and hire competent assistants to assure that his future work does not reflect such poor scholarship.

I want to thank, especially, Dr. Mitchell Bard and the Committee for Accuracy in the Middle East Reporting in America for helping compile this list of errors.

SEED DEMOCRACY IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, there is one nation in the world where seeding democracy right now might take root. It is Cuba. It is only 90 miles away from our shores, but we are using the same sort of wrong-headed thinking regarding Cuba that we are using in international affairs around the world with equally dismal results.

Today the Bush administration has draconian travel restrictions in place

for any American trying to visit family members in Cuba. It is their idea of promoting democracy by punishing the people we are trying to befriend. It makes no difference if a relative is well, sick or dying in Cuba. You get one chance every 3 years to visit Cuba legally. If an American visits a relative in Cuba and that relative is stricken by a heart attack the day after you leave, you cannot go back for 3 years.

The administration thinks that by cutting off families in Cuba from loved ones in the United States, they will encourage the overthrow of Castro.

When will we ever learn? This policy plays right into the hands of those who want to portray the United States as an arrogant bully willing to use innocent people as a wedge against a regime we don't like.

Our policy regarding Cuba is hurting innocent people here and there, not the government we have been trying to overthrow for a generation. It has hurt one of my constituents, an Iraq war hero, who came to the United States from Cuba 15 years ago risking his life coming on a raft floating in the ocean.

Sergeant Carlos Lazo made national headlines last year when he tried to get to Cuba to visit his teenage sons. Carlos is a man who joined the Washington National Guard to give service to his new country.

As a combat medic in Iraq, he risked his life to save others, and for his heroism he was awarded the Bronze Star. I had the honor to pin that medal on him in a ceremony in Seattle last year.

Carlos is an American citizen, a decorated war hero, and he is barred from boarding a flight to visit his family in Cuba. That is not how you promote democracy in Cuba or anywhere else for that matter. And the fact is, there are countless stories just like Carlos. It makes no diplomatic or strategic sense. We hurt U.S. interests by hurting U.S. citizens who reach out to family in Cuba.

Who could possibly be a better ambassador representing the United States than the blood relative of someone living in Cuba? The most powerful statement we could ever make to the people of Cuba is to let them interact with Americans who are related by blood or marriage.

Are the Cubans more likely to listen to U.S. propaganda or to a son or to a daughter? The answer is obvious, and it should be just as obvious that the U.S. needs to revise its travel ban to Cuba.

As it stands now, we are separating families. Instead, we should be reuniting loved ones. We don't promote freedom by denying it to innocent civilians, and we don't make new friends anywhere when an American citizen is denied the ability to visit a dying mother in Cuba. Imagine the propaganda of a press release, Americans barred from visiting mother on death bed in Cuba. A story like that can and will be used against us all over the world.

We don't gain from a policy that forces separate families, and it is time

to change. We don't have to lift the embargo against Cuba to restore family relations among Cubans and their relatives who live in America. We have a real opportunity to make progress promoting democracy in Cuba, and we ought to take it.

We need to revise the U.S. travel policy to Cuba to recognize that the American people are the best ambassadors we could ever deploy. Every visit by an American citizen to a loved one in Cuba will do more to promote freedom and democracy than all the leaflets and all the broadcasts and all the saber rattling that we have tried unsuccessfully in the last half century. We don't need to tear down a wall, we do need to tear up a policy and start over, and we should do it now.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOX) is recognized for 5 minutes.

(Ms. FOX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE MISSOURI MIRACLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Madam Speaker, they are calling it the Missouri miracle, but it didn't start out that way. In fact, it was a parent's worst nightmare. A 13-year-old gets off a school bus near his home in rural Missouri but never makes it home. The local sheriff's office works frantically to locate the missing boy but has few leads. That was the real life saga for Ben Ownby's family last week near Beaufort, Missouri, in my congressional district.

Last Monday, January 8, after a normal day at school William Ben Ownby rode the bus to school. He got off and disappeared. The wrenching news energized the local community. Volunteers turned out in droves to assist law enforcement and to search the nearby woods. Friends and neighbors began prayer chains and offered moral support to Ben's family. Police officers and sheriffs' deputies from surrounding counties lent their assistance.

Fortunately the single lead provided by 14-year-old Mitchell Hults was a good one. Mitchell had gotten off the school bus with Ben and described having seen a beat-up white Nissan pickup truck with a camper shell, even describing the trailer hitch to a T. Two police officers who had gone to a Kirkwood, Missouri, apartment complex to serve an unrelated warrant saw a truck matching the description, sought additional legal authority and, lo and behold, last Friday, January 12, when officers approached the apartment, not only did they find Ben Ownby unharmed, but a second youth, Shawn Hornbeck, a boy from Washington County, Missouri who had been missing since 2002.

More than 4 years ago, October 6, 2002, when he was 11, Shawn Hornbeck disappeared while riding his bike. In a similar fashion, the community and law enforcement worked hard on that case to no avail. Yet Craig and Pam Akers, Shawn's parents, never gave up. Their ability to persevere 4½ years is a testament to their strength and faith.

During that time, the Akers family established the Shawn Hornbeck Foundation, whose mission it is to help families and law enforcement search for missing children. Craig Akers' commitment to finding Shawn and helping families has come at great personal expense and took a physical and emotional toll, and yet he remains devoted to helping others deal with cases of missing children.

What a miracle that both youths were rescued.

I would be remiss if I did not recognize the hard work of area law enforcement, especially singling out Franklin County Sheriff Gary Toelke and the Franklin County Sheriff's Department. Gary is a friend of mine. This happens to be the second time in 4 months that Sheriff Toelke has reported a happy ending in a missing child case.

You may remember last September, his department recovered an 8-day-old baby girl when a woman attacked the baby's mother. That case became a national news story, as has this one. The outcome of both of these cases is a testament to that department's professionalism and commitment to the community.

I also applaud the great detective work of young Mitchell Hults by remembering the details of that suspicious white pickup truck right down to the dents, rust spots and trailer hitch. Mitchell not only saved the life of his friend Ben, but also rescued Shawn from 4½ years of captivity. All are true heroes, and their diligence saved the lives of two young boys and brought solace to the Akers and Ownby families.

On behalf of all Americans and parents nationwide, this House appreciates their good work. To the Akers and Ownby families, I am sure my colleagues will join me in expressing your shared beliefs that your prayers have been answered. Truly, a Missouri miracle.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

(Mr. GILCHREST addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1930

PREVENTING IRAN FROM OBTAINING NUCLEAR WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Madam Speaker, preventing Iran from obtaining nuclear weapons ought to be the number one foreign policy objective of the United States. A nuclear Iran would spark region-wide nuclear proliferation. In fact, (Saudi Arabia and its allies have already announced that they are beginning a nuclear program to respond to what Iran is doing). Further, if the Iranian Government were close to being overthrown, and some of us look forward to that day, it could smuggle a nuclear weapon into the United States—either in an effort to reassert popularity with its own people, or with the idea that they would rather go out with a bang.

Now, we cannot stop Iran's nuclear program just by meeting with Iranian emissaries. Secretary Rice has offered to meet with representatives of the Iranian Government anywhere, at any time, to discuss any agenda—so long as during the talks Iran suspends uranium enrichment, just as Iran suspended uranium enrichment when they were talking with European leaders. The refusal of Iran to suspend uranium enrichment, even for a few days in order to speak with Secretary Rice, speaks loudly about their willingness and desire to speak with us.

Likewise, we cannot stop Iran's nuclear program by making unilateral concessions to Iran. We did that in the year 2000. We opened our markets to everything Iran would want to export to us, except oil—things like carpets and dried fruit. In fact, we opened our markets to everything we didn't need, and they couldn't sell anywhere else. The result in public was nasty comments from the Iranian foreign minister. In private what they did was redouble their efforts to obtain nuclear weapons, and provide assistance to the 9/11 hijackers, according to the 9/11 Commission, though they apparently didn't know the exact mission of those they were assisting.

But we can block Iran's nuclear program only if we can pass extreme Security Council sanctions. The mere adoption of strong sanctions at the United

Nations would be of enormous political impact on the people of Iran. A ban on selling Iran refined petroleum products would dislocate its economy and bring enormous popular pressure on the Government of Iran, because although Iran exports petroleum, it doesn't have the refining capacity—and therefore is dependent on imports for almost half of its gasoline.

So how do we get these very extreme U.N. Security Council sanctions? Only with a dramatic change in Russia's policy.

Now, our current approach to securing that critical Russian support has been very ineffective, and we have achieved only token sanctions that Tehran can laugh off.

The only way to get the kind of Russian support we need is by offering real changes on our policy toward issues in Russia's own geographic region—issues Russia cares a lot about, issues not of great significance to most of us in the United States. Our efforts to convince Russia to change its Iran policy only because, well, they ought to do it, have been remarkably unsuccessful. We need to address Russia's concerns to change their policy toward Iran's nuclear weapons.

In particular, we may need to offer to make modest changes in our policies towards such issues as the Russian-speaking peoples of Moldova, Latvia and Estonia, the route of Caspian Sea oil pipelines, and Chechnya and Abkhazia.

Now, the State Department bureaucracy is prejudiced towards this approach for three reasons: First, a bureaucracy has bureaus, and they have got an Abkhazia bureau that doesn't want its interests sacrificed for some more important national security priority. Second, there are those in the administration with such an almost faith-based excessive estimate of our national power. They think we can achieve all of our national objectives and that we don't have to sacrifice or delay any of them. Finally, many of America's foreign policy experts grew up in the Soviet era. They spent their time strategizing how to encircle and weaken Russia. And, Madam Speaker, old habits die hard.

Nothing is more important to America's national security than an all-out diplomatic effort to prevent Iran from developing nuclear weapons.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOUNTING REASONS FOR VOTING IN FAVOR OF 2002 RESOLUTION AUTHORIZING USE OF MILITARY FORCE IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of today, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the majority leader.

Ms. WATERS. Madam Speaker, shortly after the 9/11 terrorist attacks, the President began talking about going to war with Iraq. In the fall of 2002, with the midterm elections heating up, the President increasingly talked about the threat Iraq poses to the United States and its allies. On October 10, 2002, the House voted on H.J. Res. 114, the Authorization For Use of Military Force Against Iraq resolution. It passed the House by a vote of 296-133: 215 Republicans voted for the resolution, 6 voted against it. 81 Democrats voted for it, and 126 voted against it.

Madam Speaker, in light of what many of our Members know today, they perhaps would not have voted for that resolution. As a matter of fact, day in and day out as I talk with my colleagues, they recount all of that which was told to us by the President of the United States and others on the opposite side of the aisle, for the most part, about why it was so important to go to war with Iraq.

They told us there were weapons of mass destruction. They told us that the troop levels that they were sending were necessary. They told us about the cost of the war. They told us that oil revenues would be paying for the reconstruction. They told us we would be greeted as liberators. They told us we would be able to contain sectarian violence.

Well, Madam Speaker, I have colleagues that are here this evening who will recount perhaps some of what they were being told and the way they trusted the Commander in Chief, they trusted our President. They were concerned about the safety and the security of our Nation.

So we have with us tonight some of the brightest, most hardworking, most respected Members of the Congress of the United States. They are going to remind us of what we were being told and how they came to their decision and what they are thinking now.

Leading that discussion will be my dear friend from Missouri, that is my hometown, my birthplace, who I have gotten to know very well. He is the Chair of one of the most important committees of this House, the Armed Services Committee, a highly respected gentleman, Representative IKE SKELTON.

I yield to the gentleman from Missouri.

Mr. SKELTON. Madam Speaker, I thank my friend originally from Missouri for yielding this time.

Last year, I had the opportunity to visit the Joint Forces Staff College in Norfolk, Virginia. After a ceremony there, I went into the library, and in the glassed-off section for old and rare books I found a book printed in 1926 about the 1915 British misadventure at Gallipoli, entitled "The Perils of Amateur Strategy." I have often thought regarding the situation in Iraq that we face today that this administration is not giving food for thought to some author to write a book entitled "The Perils of Amateur Strategy II."

The issue before us this evening is what would we have done, had we known what we know today. Had that been the case, we probably would never have had a resolution before us, much less voted in favor of it.

We have a wonderful military, the finest we have ever had and the finest in modern history. The young men and young women are dedicated, they are professional and they are volunteers, whether they be active duty, whether they be National Guard or Reserve. Gosh, I am proud of them. I have been with them aboard ship; I have been with them in their training. I have been with them in Iraq and Afghanistan and had the privilege of spending Christmas Day with them in Baghdad. But I wonder where all of this ends.

They moved the goalposts on us. The first goal was to make sure that weapons of mass destruction were not there, then to establish a democracy, and now to bring stability to Iraq. And those goalposts keep moving.

I am truly concerned about where we have been and much more concerned about where we go in Iraq. Whatever happens there, and I feel that there is no positive outcome for this, the star of this show will be the young men and young women who wear the uniform of the United States. History will treat them well and our gratitude should go toward them.

There are some mistakes that are made that are irretrievable. There have been such mistakes that we have made in Iraq. The first, of course, was going in with the intelligence that at least was available, not having a plan in use, despite the fact that there was a plan available. Lieutenant General Jay Gardner asked for the people to help draw it up and was finally given one person from the State Department. But the plan was not allowed to be used.

Looting was allowed, and then we dismissed those who belonged to the Baathist Party, who made the trains run and the local government run. Some thousands of school teachers were put out of jobs. Then the army was dismissed, rather than giving them a paycheck and a shovel and the opportunity to help bring security and stability to that torn country.

The military ammunition, weapons and caches, were not guarded. In September of 2003, JOHN SPRATT, ROBIN HAYES and I were told by David Kay that there were 50-some-odd caches that went unguarded, and the truth in fact is there were many, many more. That is where the insurgents got their weapons and ammunition to use against our young people.

We fought the insurgents, the Baathists, criminals, foreigners and al Qaeda helping the insurgency, and then more recently the sectarian violence that overlays all of the insurgency that is going on; and we are there trying to bring stability to that torn land.

□ 1945

I am hoping for a positive outcome. It is dark and misty as to where we are going today. I am hoping lightning will strike for the benefit of our young people who are there.

It is having serious implications in our readiness which we will explore and talk about and hope to rectify to some extent in the Armed Services Committee.

All of these areas, I think, are irretrievable, and I am hopeful that in the days ahead there will be some light at the end of the tunnel in this very sad misadventure in Iraq.

Ms. WATERS. I thank the gentleman, and before the gentleman leaves the microphone, would you please confirm for me that did you not have a son that served or is serving in Iraq?

Mr. SKELTON. That is correct.

Ms. WATERS. Thank you so much.

Mr. SKELTON. I appreciate the gentlewoman making reference. As you know, I am very, very proud of all three of our sons, two of whom are in uniform, and I do not speak about them other than just to be proud of them.

Ms. WATERS. Thank you so very much. We appreciate your service, we appreciate your work, and we appreciate the fact that you sit here every day trying to manage this most important problem and crisis that we have and the fact that you have your son who is put at great risk. Thank you very much.

Madam Speaker, I yield to the gentlewoman from California (Mrs. TAUSCHER), who is a member of the Armed Services Committee, who is the chair of the New Democrats, one of the hardest working members of the California delegation who will present.

Mrs. TAUSCHER. Madam Speaker, let me first thank my friend and colleague from California for her passion and her presence and for her leadership and also my other colleague BARBARA LEE and for LYNN WOOLSEY and so many of my colleagues who have been indefatigable, unrelenting and brilliant in their insistence that we continue to put pressure on the administration and the President specifically for the litany of mistakes that have been made in Iraq, but at the same time holding

deeply in our hearts the fighting men and women that come from all of our neighborhoods, come from all of our communities. For your patriotism, I cannot thank you enough. For your leadership and friendship, I will always be indebted.

Madam Speaker, I cannot and will not support putting more American troops on the ground in Iraq. I stand here today more convinced than ever that the President's so-called new plan to send over 21,000 additional American troops to Iraq will only lead to further chaos.

My opposition to this troop surge is built upon years of hearings in the House Armed Services Committee, where I serve as subcommittee chairman of the Strategic Forces Subcommittee, congressional briefings and five trips to the region, including three to Iraq, witnessing the war firsthand and speaking with our troops and commanders on the ground.

Sadly, the President has gotten it very wrong every step of the way. Yet he continues to ask us to trust him.

When the Republican-controlled Congress was rushing a vote to authorize the war in the middle of 2002's campaign season, I joined my friend DENNIS KUCINICH to call on the Republican leadership to take the politics out of the vote, take the decision to send our troops into harm's way seriously and postpone the vote until after the election.

We wrote to our colleagues in October of 2002: "It is incumbent upon us to address the matters of national security and decisions through the reasoned and deliberate process afforded us by our Constitution. This becomes particularly important when these decisions could possibly mean putting our young servicemen and women in harm's way. This is not a process that can be rushed for the sake of political expediency."

Our best attempts failed. Congress was rushed to a vet, and we had no opportunity to sort through what we now know was the Bush administration's personal collection of cherry-picked or just plain false intelligence.

The President made it clear that he wanted to rush to invade Iraq and prevent international weapons inspectors from finishing their job.

I spoke out at the time saying, "We must consider every peaceful alternative and contemplate every possible outcome before we turn to force."

Our warnings were again ignored. In February of 2003, I co-authored legislation that would have required the President to submit a public report to Congress prior to initiating military action in Iraq.

Our bill said: "The United States should not proceed with unilateral or preemptive military action in Iraq, but if we do have to go to war to disarm Saddam, Congress needs to be sure there are sensible plans that will not compromise our ability to prosecute the War on Terror elsewhere or further destabilize an already volatile region."

That same month, when then-Secretary of State Colin Powell presented the United Nations with the Bush administration's case on Iraq's weapons of mass destruction, I again said, "I continue to believe that the United States should not proceed with unilateral or preemptive military action."

After the invasion, I remained concerned about the Bush administration's rush to war, and in July 2003 I authored legislation to create a select committee to hold public hearings to investigate several aspects of intelligence, including whether intelligence supported the claim that Iraq was an imminent threat to the United States, questioning the accuracy of intelligence that led the administration to believe Iraq was working with al Qaeda, and questioning the role of the Office of Special Plans in the Pentagon.

The Republican-controlled Congress at the time would not allow my bill to see the light of day.

In September 2003, the President requested an additional \$87 billion to finance the war. In response, I authored legislation calling for explanations, noting that "President Bush has not yet provided Congress with a detailed plan that outlines the strategic objectives of Operation Iraqi Freedom."

I have sent dozens of letters to the President, Secretary Rice, Secretary Rumsfeld and others over the past 4½ years urging them to explain our mission and exit strategy for Iraq. I have offered suggestions to stabilize Iraq and bring our troops home sooner. Yet I have received few answers.

Last week, I watched the President plead his case to the American people, trying to justify why more troops will save his failed policy. But yet again I was disappointed by the stubbornness exhibited by a President that has failed in Iraq every step of the way.

I have stated throughout the timeline of the war that the Commander-in-Chief has the responsibility to define a well-articulated mission that has the support of the American people and an exit strategy to bring our troops home sooner and safer. The President has neither.

Top military commanders in Iraq, the bipartisan Iraq Study Group and the American people all agree that sending more troops to Iraq will not end the civil war. They understand that we should immediately begin a strategic redeployment of U.S. troops in conjunction with diplomacy that forces Iraq's neighbors to step up as responsible regional partners.

Adding additional troops further prevents the Iraqi government from taking responsibility for securing their own country. If the President sidesteps the Congress, he does this at his own peril, and sadly, he does it with the men and women of our Armed Forces and their families paying the highest price.

This is why I am an original cosponsor of the Meehan legislation that requires the President to ask Congress

for an up-or-down vote if he plans to raise troop levels in Iraq.

I am not advocating cutting funds for the troops while they are in harm's way, but I am an advocate of conditioning all further spending for the Iraq War based on the Iraqis meeting security and political benchmarks and establishing a plan for the redeployment of our troops.

I will continue to challenge the President to abandon his flawed troop surge policy, and I urge all of my colleagues to do the same. We owe it to our troops, to the American people and to our conscience.

Ms. WATERS. Madam Speaker, I would like to thank the gentlewoman from California, not only for the statement that she has made this evening, but I believe that you are an example of one of our highly respected Members of Congress who trusted the President, who believed what he was saying when he offered all of the reasons why we should be going into the war, and to have lost your support, I think, is the kind of significance that everyone should have an appreciation for.

We have come to that point in time where supporters who believed in the President are now withdrawing their support and urging him to abandon the failed policies that took us into that war.

Next, I would like to yield to the gentleman from Maryland (Mr. WYNN). He is a member of the Energy and Commerce Committee, another one of our respected Members in this House who supported the Commander-in-Chief when he brought to us all of the flawed evidence, that we did not know was flawed at that time, and he has taken a lot of criticism for it, but he certainly has clarified his understanding now and he has a statement that he would like to bring forward this evening. I yield to the gentleman from Maryland.

Mr. WYNN. Madam Speaker, I would like to thank first the gentlewoman from California for yielding, and also for her consistent, aggressive and activist leadership on this issue. She has been very courageous throughout. She has always taken a principled position, and she is now leading our efforts to stand up and express our opposition to the President. I want to thank her for that.

Sometimes one of the most difficult things for a politician or elected official to do is to say I was wrong; I made a mistake. I am here to say that tonight.

After 9/11, after the Pentagon was attacked in addition to New York, my district, which is just outside of Washington, D.C., felt the effects very severely. A lot of my constituents worked in the Pentagon. I went to several funerals, and I was very sensitive to the fact that my constituents in suburban Washington, D.C., in Montgomery County and in Prince Georges County, as Federal workers, were very vulnerable to an attack in what is ar-

guably the number one or the number two target of terrorists in the United States.

I represent 72,000 Federal employees, most of whom work right here in the Nation's capital, in the immediate Capitol complex area.

At that time, the President was presenting, as the gentlewoman mentioned, extensive evidence about the existence of weapons of mass destruction, about attempts to develop a nuclear arsenal, about chemical and biological warfare, and I was of the belief that the President, on issues of national security, would put politics aside and would consider only the best interests of the country. Boy, was I wrong.

It has turned out and become evident to everyone that the President's intelligence was seriously flawed. It was inaccurate, it was distorted, and it was exaggerated to create a false impression of urgency that this country had an urgent threat and that weapons of mass destruction, in fact, existed and that they posed a threat to the citizens of the United States and, in my consideration, a threat to my constituents here in the Washington metropolitan area.

We were shown classified information, documents, photographs and the like, all of which were designed to create the impression that we were facing an imminent threat. Assuming the President would not mislead the country, I supported the war. That was a mistake.

But then it came to pass and became increasingly evident that there were no weapons of mass destruction in Iraq and that we were not facing an imminent threat. So in May of 2004, in an appearance before the Muslim Council in my district, I said I think my vote was wrong; I think my vote was a mistake.

Subsequent to that, I heard people say, well, what about the fact that we toppled Saddam Hussein? Well, that was a laudable goal, but it was not worth 3,000 troops. Well, what about the fact we created elections and they put their finger in purple ink and they had elections for the first time? I said I agree, that, too, is a laudable goal, but that was not worth 3,000 troops.

If you had asked me then to make this decision based on what I know now, I would not have voted to support the use of troops.

□ 2000

Because, you see, there are a lot of dictators in the world, some of whom we not only deal with, some of whom we actually arm. There are a lot of dictators that are cruel, that murder their own people, that violate human rights. There are a lot of countries that don't have democratic processes. And yet we do not make the decision that we ought to engage with them militarily. So to my way of thinking, the only justification, the only justification would have been the existence of weapons of

mass destruction and an imminent threat to the United States that in fact did not exist.

What we have in fact seen is that our military presence has worsened the situation. Areas that did not have terrorists now have terrorists. They are called breeding grounds for terrorism because our presence creates a cause for the terrorists, a motivation, if you will, a catalyst, an antagonism. That is not solving the problem of terrorism. That is not effectively fighting the war on terrorism. Our military role has not been productive and effective; in fact, it is been counterproductive and sadly ineffective.

It is time to withdraw our troops. We need to begin now to withdraw our troops so that the Iraqis will take more responsibility for their own security. In fact, Mr. Maliki says that is what he wants us to do. He says, "Give us the weapons, we will do it." He is not so excited about having us. Clearly, the American people don't want to be in Iraq. More importantly, the Iraqi people don't want us to be in Iraq. It is time for us to pull out. We are in the midst of a civil war, one that we cannot resolve, and therefore we are not playing a constructive role.

We are now on the eve of another adventure in Iraq or, should I say, misadventure, in which the President is proposing not to withdraw but just the opposite, contrary to the recommendations of the joint chiefs, contrary to the recommendations of the Iraqi Study Group. The President is saying, Let's send more troops. He calls it a surge. Folks, it is a troop escalation and an escalation of this war, and I will oppose it.

There is a saying that the old folks used to say: Fool me once, shame on you. Fool me twice, shame on me.

Mr. President, you fooled me once. Shame on you. Fool me twice? I don't think so.

I am opposed to any troop escalation. I am opposed to any surge. I am opposed to any expansion of this war by military means. Yes, we have to fight the war on terrorism, but it seems to me we need to use diplomatic means to create an environment in which we can promote peace. We need to involve the other countries in the region, be it Shia or be it Sunni, who have an interest in a stable region. It is their region. They don't want war as a way of life in their region. Let's involve those countries, the Egyptians, the Jordans, the Saudi Arabias. Let them get engaged in helping resolve this war. Let us step back from this war. We need to implement diplomatic solutions.

So this is not a question of withdrawing United States leadership. We need to leave, but we need to leave diplomatically. We need to understand that, in the modern world, the use of military force is extremely limited, limited in its utility, because we are operating in a different environment, a terrorist environment, an insurgent environment in which additional troops

only work for a temporary period of time. The insurgency withdraws, melts away, and then reemerges, which is to say, the President's proposal can only lead to a permanent U.S. presence of even more troops, putting them in harm's way.

We have lost over 3,000 troops. The Iraqi people have lost tens of thousands more, maybe even hundreds of thousands. It is time to withdraw our military presence. It is time to advance the cause of peace through diplomatic means and diplomatic leadership.

I want to thank the gentlewoman again for giving me this opportunity to speak.

Ms. WATERS. I would like to thank the gentleman for that very clear statement as one who voted to support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to direct their remarks to the Chair.

Ms. WATERS. Madam Speaker, I would like to thank the gentleman for that very clear statement as one who supported the war in Iraq who has withdrawn that support and is sharing with others his feelings about why he supported it and why he no longer supports it.

Madam Speaker, I now yield to the gentleman from California, one of my colleagues on the financial services committee, Representative BRAD SHERMAN.

Mr. SHERMAN. I thank the gentlewoman for yielding.

I remember well the debate on this floor in 2002 about whether to give the President the power he sought to take military action, if necessary, against Saddam Hussein. But before that resolution even came to this floor, we considered it in the International Relations Committee. There, we were told that the administration would invade Iraq only if the inspectors were not allowed to do their job. In fact, Secretary Powell told us that before the whole committee. Then he told me that privately.

Now, I did not completely trust the administration. So in committee I offered a resolution that would allow the use of force only if the inspectors were not allowed to do their job. A majority of Democrats in the committee voted for that resolution. The Republicans pretty much all voted against it; and it was defeated.

Then we all came to this floor, and Mr. SPRATT of South Carolina put forward a resolution that would allow the President to use military force, but only under certain circumstances, such as force being authorized by the United Nations. I voted for Mr. SPRATT's resolution. Unfortunately, it was defeated.

And, finally, the supporters of the President were able to say that there was only one last resolution before us: either we gave the power to the President that he sought, but that he promised to use only if the inspectors were expelled or prevented from doing their job, or we left ourselves in a position

where Saddam was free to expel the inspectors and to go all out with his weapons of mass destruction program.

At that point, I voted for an overly broad resolution, a resolution that gave the President more power than he claimed he would use, or gave him power to act under circumstances all under when he said that he would act only under a limited number of circumstances. That of course is not what happened.

The President took that power, made little or no attempt to ensure the inspectors were allowed to do their job, dismissed them, in effect pulled them out of Iraq, and invaded at an early opportunity. Obviously, if I knew then how the President would use the power granted by this Congress, I never would have voted to give him that power.

Not only did he invade even though the inspectors were then able to do their job and, as it turned out, they were right, there were no weapons of mass destruction—but then, in secret briefings on this floor, we had been told (and this has been reported in press, I am not revealing anything), that the plan was to invade Iraq from the north and from the south, so as to take control of the country quickly. What happened was that Turkey at the last minute declared that our troops couldn't go through Turkey, and our best division was sitting there in the middle of the Mediterranean.

So we had a plan. The plan had been previewed to those of us in Congress. The plan involved our best division. (I will just say one of our best divisions; I don't want to cast anything but total glory on all our divisions.) But one of our best divisions was left sitting in the Mediterranean. Now, you would think if you had a plan and you couldn't execute the plan, you would go draft a new plan. Instead, they just took the northern half of the plan and threw it away and implemented the southern half of the plan. Needless to say, we did not take immediate control of Baghdad. Needless to say, there was chaos. And the rest is history.

But there are a host of other mistakes made by the Bush administration. They were detailed by the gentleman from Missouri (Mr. SKELTON). They included an inadequate number of troops at the beginning; disbanding the Iraqi Army when the Saudis, who have some understanding of the area, had advised us to do the exact opposite; not guarding the arms depots; and a host of other problems.

Now we are being asked to authorize a surge. An escalation is the real word. And we are told that this is critical because Iraq is the central front in the war on terrorism. Well, is that really true?

We are told that Iraq could become a place where terrorists could meet and plot. Today they are meeting and plotting in North Waziristan, in much of Afghanistan, in much of Somalia, pretty much anywhere they want in Iran and in Syria and Sudan. They have

plenty of places to meet and plot. How many Americans are supposed to die on the theory that denying the terrorists one place to meet will prevent them from meeting in all the places they are meeting today?

Then we are told that there will be a humanitarian debacle in Iraq. And, again, the prognosis for Iraq is not particularly good, but it is by no means clear that we have not done all we can be expected to do to help the people of Iraq avoid a civil war and achieve unity. And at some point it may be necessary to say that Iraq's decisions need to be made by the Iraqis.

Keep in mind that during Saddam's tenure, year in and year out, he killed far more people than have been killed in the time since we invaded. We have bestowed upon the Iraqi people not just the pain and suffering that they have now, but also freedom from a Saddam Hussein who in prior decades had killed not the thousands we see being killed now but hundreds of thousands and millions. Our moral responsibility to the Iraqi people was to do what was reasonable to help them reestablish order. I think we have met much of our moral responsibility. We can do more by providing economic and other aid. And we should keep in mind that Iraq is just one of many places in the world suffering great humanitarian crises.

Finally, we are told that we are going to empower and overjoy the terrorists if they see us leave Iraq or see us fail to surge into Iraq. Keep in mind, the smarter terrorists are thrilled to have us pinned down there, and to have us bled dry there.

But, finally, even if all these things being put forward by the administration are true, even if withdrawal from Iraq or failure to surge into Iraq gives terrorists a place to gather, sets the stage for humanitarian crisis, and overjoys the terrorists, there is no evidence that we are now doing anything but delaying the inevitable by surging over the next few months, or escalating over the next few months. So since we are by no means winning or prevailing, surging is just doing more of the same.

The President has asked us to compare the Global War on Radical Islam with the Cold War, and I think it is an apt comparison. Iraq has some real similarities to Vietnam. And the one thing we all remember about Vietnam is being told that if we didn't prevail in Vietnam, the communists would be on the beaches in Santa Monica. What did we finally do? We withdrew from Vietnam, and doing so was a critical step in winning the Cold War just 15 years later.

I would say that we should pick our own battlefields, we should learn from the Vietnam mistake, and we should recognize that the way to beat radical Islam may be to recognize that Iraq is not the central front and that we have to do a lot of things in a lot of places in the world, and cannot allow ourselves to be utterly fixated on Iraq.

Ms. WATERS. I thank the gentleman from California. And I yield to the gentleman from New Jersey, Representative STEVE ROTHMAN, who serves on the Appropriations Committee, he is on the Subcommittee on Defense, and on the Subcommittee For Foreign Operations. This is not the first evening he has been on the floor; he has made it clear, but he even goes further tonight in helping to clarify and make it known where he stands on this war.

Mr. ROTHMAN. I thank the gentleman from California.

Madam Speaker, my friends, I was asked by the gentlewoman from California if I would share with my colleagues and with you, Madam Speaker, the process by which I came to the conclusion that America should withdraw all of its troops from Iraq without delay.

Like most Americans, Madam Speaker, when the President said to Members of Congress and the entire country that Saddam Hussein intended to bring weapons of mass destruction to the United States to destroy us, to kill thousands of Americans, that got my attention, especially since it was after 9/11.

I am from northeastern New Jersey, and a great number, too many, of my constituents were killed at the World Trade Center. But nonetheless, as an American, after 9/11 I didn't want to wait to get hit again. If the President of the United States and his entire Cabinet were willing to go before me in closed session, before the country in his State of the Union address, before the United Nations with photographs and other testimony that Saddam Hussein was sending Iraqi agents to America with weapons of mass destruction, biological and chemical, to be deposited in our water supply system, to bring smallpox to our Nation, et cetera, then maybe we needed to stop Saddam Hussein and stop him immediately.

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Then maybe we needed to stop Saddam Hussein, and stop him immediately.

Again, we were told it was an imminent, immediate threat to the national security of the United States: Saddam, using agents bearing weapons of mass destruction and bringing them on our shores. And so I voted to authorize the President to bring military action against Saddam Hussein.

I think most Americans, Madam Speaker, agreed with me that we didn't want to be caught again off guard, especially if our President told us so unequivocally that these were the facts.

Well, after we deposed Saddam Hussein, removed him from power, Madam Speaker, it became clear to us, most of us and most Americans, and most people in the world, that virtually everything that the President of the United States had told us about Iraq wasn't true. There were no weapons of mass destruction. Saddam had no intention

of bringing Iraqi agents to slaughter Americans on our shore and that Saddam had precious little if not zero contact of any significance with any foreign terrorists or anybody who on their own wanted to do something against America.

And so we realized after we deposed Saddam Hussein that we had been led to go to war in Iraq on false statements. I don't believe they were intentionally false, but they were false. And I believe that history will record thereafter, after we gave the President the authority to go to war in Iraq, he and his administration, Madam Speaker, committed historic military and diplomatic blunders.

But, you know, I felt in my heart that, yes, at that point there were no weapons of mass destruction. The reason for going to war had evaporated. But what had we done? Yes, we did a great thing by removing this evil murderous dictator from Iraq as an oppressor of his people. But then because of the botched way it was handled, those people were living amidst looting and insecurity and murder and terrible hardship, and I felt that we had a moral obligation to help the Iraqi people stabilize their country and perhaps give them a way to become a democracy, to live in freedom.

Even though they were a multi-ethnic society that had never enjoyed that kind of freedom, I felt that was our moral responsibility after we had removed their dictator and created such chaos.

Madam Speaker, after the death of more than 3,000 American servicemen and -women, after the more than 23,000 American men and women wounded in Iraq, after more than 3½ years of our Nation being at war with 150,000 troops a year there, and after spending almost one-half a trillion U.S. taxpayer dollars in Iraq, I believe we have met our moral obligation to the Iraqi people; in particular because we have given them a chance in these 3½ years to decide that they will live together in peace, their own neighbor on neighbor, Sunni, Shia and Kurd.

But the Iraqi people have not yet decided that they want to live in peace. And, frankly, our standing there, being shot at and blown up, has apparently not persuaded them to live with their fellow Iraqis in peace.

And we have needs here in America. Homeland security needs, al Qaeda is in over 60 nations in the world planning and plotting against us, and that is a real threat.

Homeland security needs are unmet. We don't inspect 100 percent of the containers coming into our ports; 5 percent. Cargo going on passenger airplanes is not inspected. I could go on and on. Our borders are not secure.

And our military, our brave and courageous and magnificent military, the best in the world, has been depleted, our Army and Marines in particular. Depleted by this 3½ year engagement in Iraq. They have done heroically, but

some of them are on their second, third and fourth tour of duty in Iraq. It is time to bring our troops home. We should leave 20,000 or 30,000 in the region in Jordan just in case a foreign nation would want to intervene, but that is unlikely and I will explain that in a second.

But bring our troops home and rebuild our military and deal with our own homeland security needs and deal with our domestic needs in education and health care, balance our budget, and get ready to face the threats that are out there in the world that are real because we still live in a dangerous world.

The President says if we do that, there would be a catastrophe in Iraq. Well, Madam Speaker, over 30,000 died in Iraq last year. Thirty thousand. If you do the math, they only have a country of 25 million. We have a country of 300 million. If you do the math, those 33,000 dead Iraqi civilians, that is equivalent to almost 400,000 civilian American deaths last year.

If that was the case in America, 400,000 American civilians killed in a civil war, wouldn't we call that serious?

What is going on in Iraq today is a disaster already. He says al Qaeda will probably take over. Nonsense. Today you have al Qaeda, who are primarily Sunni members of the Islamic faith. You have Sunni Iraqis killing al Qaeda Sunnis. They don't like foreign fighters in Iraq, whether they be American or al Qaeda.

And the Shia in Iraq are no fans of the Sunni al Qaeda, either. But the folks that they don't like the most in their midst are Americans.

The President says we believe in democracy and we went to Iraq to give them a chance for democracy. This is after there were no weapons of mass destruction and all of the other reasons had changed. He says we should be there to give them democracy, notwithstanding the fact that we are bleeding our own Nation dry of human and other resources.

Madam Speaker, what do the Iraqi people wish us to do? The point of democracy is to allow people to express their will on how they wish to be governed. The Iraqi people, 80 percent of them say: Americans, leave our country. Eighty percent of Iraqis say: Americans, leave our country. Sixty percent of Iraqis today say it is all right to kill Americans.

Madam Speaker, when we leave Iraq, and I hope it is within the next six months, caring only about the safety of our troops as we make this strategic withdrawal and rebuild our military and get ready to face others in the region, know that Iran will be very unhappy that we are leaving. Iran will be very unhappy that we are leaving Iraq.

Why? Because then Iran will have to decide if they go fight on behalf of the Shia members of the Iraqi civil war. Maybe Syria will have to come in on behalf of the Sunnis fighting the Shia because Syria is a Sunni nation.

Maybe Saudi Arabia may have to get in. That won't happen.

When we leave, the regional players in the Middle East around Iraq will finally realize this is their problem that they have to solve and can't continue to stand on the sideline causing trouble.

I appreciate all the time the gentlelady has given me, and I appreciate the opportunity to explain how now for just about a year when I announced to my constituents why I believed it was time for us to withdraw our troops from Iraq, that it is indeed time to do so. It is in America's vital national interest that we do so. It is the smart thing to do for our country. We have other needs to address, including rebuilding our military and getting ready for real threats that face us around the world. And the better results will occur in Iraq and the region after we leave. I thank the gentlelady from California.

Ms. WATERS. I thank the gentleman from New Jersey for all of the time and effort he is putting into helping us get out of Iraq.

Madam Speaker, I yield to Mr. BILL JEFFERSON from Louisiana.

Mr. JEFFERSON. I thank the gentlelady for yielding.

Madam Speaker, this is a very important subject on which we speak tonight. Most of what needs to be said has already been said by Members who have gone before me, and I know the time is short.

However, I want to say a couple of things. I have had the privilege of serving in the military of our country. I was first commissioned as a military intelligence officer and then commissioned in the JAG Corps as a judge advocate general officer. I take it seriously when the Commander in Chief says we need to protect ourselves and defend our country.

I have a district full of veterans. We have a large port facility that is vulnerable to attack and penetration. I had long talks with Colin Powell about these issues, and they were all very persuasive and convincing about what we needed to do to protect ourselves.

I thought back about what we did when President Clinton came to us about Bosnia and Kosovo when he told us that we needed to give him authority to do what we needed to do to protect our country. I thought it was fair to treat both Commanders in Chief the same. We should not play politics over this issue. If we needed to protect our country, we should.

We all know now there were no weapons of mass destruction, no justification for the war, no nuclear weapons could be found there. Nothing that the President told us was true was true. Whether he intended or not, as has been said, the information was untrue; and, therefore, we should not have based the war on it.

The other thing that is important is that most of us who voted on the resolution decided and expected that the

resolution would be followed. Number one, that the President would go to the U.N. and talk to folks and try to get a consensus.

And number two, that he would only go when there was a consensus reached. He really just raced right past the U.N. and went right to war, from the very beginning violating the obligations and trust he asked us to repose in him.

Now we are in the middle of a civil war, and we are asked now to add more troops, add a surge and escalate our efforts there. I don't believe that the American people want to see that done. I surely can't support that at this point down the road.

As we look at what we need to do in our country, there is so much that needs to be done. I happen to represent a district that was inundated by flood waters, not because of a natural disaster only, but because the Corps of Engineers, a U.S. Government agency, failed to protect our people and built levees that were not designed properly, that were not constructed properly and that were not maintained properly. Consequently, they failed and our city drowned.

It is time for our government to face up to domestic responsibilities, particularly for Hurricane Katrina. And all of the money that we are going to spend now on a surge in Iraq, I would like to see a great part of it spent to bring our people home and restore our communities and rebuild back the confidence that people ought to have in us right here in America.

Madam Speaker and Congresswoman WATERS, all of you who have done so much in this area, I thank you for giving me a chance to come here and say these few words tonight. I know our time is very short.

But I want to see our emphasis placed on our domestic responsibility now in the aftermath of Hurricane Katrina. That is where our country needs to focus.

If it was the Iraq war, after the wheels came off the war machine, that has brought about the change in this body, and if that was a major reason for what has happened here, I believe on the domestic front, Hurricane Katrina was just as important to the changes that we have seen in our Congress now. Therefore, our response must be as intense and as direct on what we do to adjust ourselves in that war as we do to come back here and take care of our people back home.

Madam Speaker, I thank you for giving me this opportunity to speak tonight. I look forward to our getting together to get this war behind us and bring our troops home. I applaud diplomacy in this area, and I look forward to getting our focus back on our people at home, particularly on our Hurricane Katrina survivors and evacuees.

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Ms. WATERS. I thank the gentleman from Louisiana for that very clear statement.

And now, Madam Speaker, I yield to the gentlewoman from Oakland, California (Ms. LEE), who has given so much leadership on this issue. She has been with us constantly, urging us to get out and coming up with the prescription for how to do it.

Ms. LEE. Madam Speaker, first, let me thank the gentlewoman from California (Ms. WATERS), the founder of the Out of Iraq Caucus, for her leadership and for this special order tonight, because this is historic.

First of all, let me just say that with regard to the Out of Iraq Caucus, Ms. WATERS knew, and this was early on, that Members of Congress, whether they supported or opposed the war, needed a space in this body, needed a framework to begin to discuss ways to get out of Iraq. She saw early on that Members of Congress knew that they were misled; that the information and intelligence was distorted; and that whether, once again, they believed then and voted for the resolution or not, that they wanted now to have that dialogue and that debate. So she really did open up the space for the debate which we see now occurring, which is extremely important because the debate, quite frankly, especially with regard to this war, has been shut down. So thank you, Ms. WATERS, for your leadership.

Let me also say that tonight we heard from many Members, and I have to thank them for their courage and their very clear statements. They trusted, as they said, the Commander-in-Chief, and the Commander-in-Chief violated their trust. Three thousand of our young men and women now have died and countless Iraqis have died.

The President the other night said that he has made some mistakes, and some of us thought that he was going to talk about how he was going to rectify those mistakes. Instead, he talked about how he was going to continue to escalate this war and continue to dig this country deeper into a hole. He also said, very recently, and his staff, Mr. Snow, said, that if the critics of his policies have a plan on what to do, to come forward with it.

Quite frankly, I believe, and have said this over and over and over again, the President got us into this mess and it is up to him to get us out. But if he wants us to come up with a plan, then we have a plan. We did just that. We introduced, Congresswoman WOOLSEY, WATERS, and myself, H.R. 508, which develops a plan to begin to bring our troops home within 6 months. It also provides for reconstruction of Iraq in terms of our assistance, and it ensures that there will be no permanent military bases in Iraq.

What is going on right now, and we need to call this what it is, is an occupation and it is a civil war. The Iraqi people do not want us there as occupiers. The American people are sick and tired of this war, and we need to bring our troops home.

Let me just remind you that when this authorization to use force was presented to the Congress, Mr. SPRATT, as was said earlier, offered an alternative resolution, and I offered an alternative resolution, which basically said that, look, the United Nations has the responsibility for the inspections process to occur. Let the U.N. process move forward. We received, I believe, about 72 Members, some of which came down and spoke tonight on my resolution. And many Members have told me now that they wish they had voted for that resolution because we would not be in the mess we are in now.

Finally, let me just say once again to Ms. WATERS, thank you for your leadership. I want to thank you for your voice and for making sure that the debate finally is occurring in this Congress, and I urge members of the public and others who believe that what the American people said in November gives us our marching orders to move forward, that they know that we are hearing.

We are going to continue with this debate. Many of us are going to say no to this escalation and no to this \$100 billion supplemental. We want our troops home, we want them protected, and we think the funds should be used to do just that.

Ms. WATERS. I thank the gentlewoman from California for all the work she is doing.

We heard earlier from Members who had voted for the resolution to go to war, who have since changed their minds. Fifteen Members signed up for tonight, but some had to leave. They waited as long as they could. And so we will continue to bring to the floor those Members who have changed their minds.

Tonight not only do we have Ms. LEE, who just joined us, but we have Representative KEITH ELLISON from Minnesota, one of our newer Members who has been consistent on getting out of Iraq. I yield to the gentleman from Minnesota.

Mr. ELLISON. I thank the gentlewoman from California. And I was told early on, Madam Speaker, that the gentlewoman from California wanted to feature Congress people who had voted for the war in Iraq and then had subsequently changed their minds. I was persistent in trying to be a part of tonight's special order, and I thank the gentlewoman from California for allowing me to, because I just wanted to point out that back in 2003 I had no idea that I would ever be standing in the halls of Congress, but I did know in 2003, in March, that this war was wrong and we needed to stand absolutely against it.

But I respect those Members of Congress who came forward tonight and pointed out that this war is wrong, was wrong, and we have to get out of Iraq now.

Today—after 6 long years of subsidies to big oil companies with outrageous profit margins—we made a bold change for America.

Today we gave America an energy policy that will move the Nation towards a day in which no young American will ever again have to fight another oil war for any President—especially this one.

The President finally admitted last Wednesday night what most Americans have known for a long time.

His Iraq policy is a failure.

I rise today to strongly oppose this President's solution to that failure—a surge of American troops.

Surge in Bushspeak is plain and simple—an expansion of the same disastrous policy in Iraq.

The vast majority of our country's top military and foreign policy experts disagree with the viability of the President's approach.

This list includes the current Joint Chiefs of Staff, current military commanders in the region—General Abizaid and Casey, the Baker-Hamilton commission and former Secretary of State Colin Powell.

Republican Senator CHUCK HAGEL told it like it is last week: "I think this speech given last night by this President represents the most dangerous foreign policy blunder in this country since Vietnam." As a Vietnam Veteran he should know.

Our military leaders state we must view Iraq policy as a three-legged stool.

Each leg of the stool represents a key strategy to support reconstruction of Iraq—one leg represents our military strategy, one economic and one political.

All 3 legs have to be present, and strong, to ensure Iraqi success. If one strategy is over-emphasized—and others don't even exist—the stool and our strategy falls apart.

The President's plan is—at best—a one-legged stool—our military involvement. A one-legged stool cannot stand.

Nor should it—when it is built on the lives of 22,000 young Americans.

I am not a military expert, but experts of counterinsurgencies look at Iraq and recommend a military force of a quarter million, to a half million troops for any hope of success. [Let me be clear I am not for any increase in our troop levels in Iraq]

But, 22,000 troops don't even come close to making this critical military benchmark.

Ted Carpenter of the Cato Institute stated last week:

... A lesser deployment would have no realistic chance to get the job done. A limited surge of additional troops is the latest illusory panacea offered by the people who brought us the Iraq quagmire in the first place. It is an idea that should be rejected.

This is a reckless and irresponsible proposal. To allow the President to place these selfless young Americans in a virtual shooting gallery is wrong.

Since last night, 3,012 of America's most promising young men and women have lost their lives in Iraq—and over 22,000 more have been grievously wounded.

We have squandered more than \$350 billion of our Treasury in Iraq with no end in sight.

Three hundred fifty billion dollars would fund 48 million kids a year of Head Start; it could provide 17 million students 4 year scholarships at public universities; we could build 3 million additional housing units; or we could hire 6 million more public school teachers for one year.

Instead, we've dug 3,012 graves and mortgaged our children's future. Enough is enough.

Monday, we celebrated Dr. Martin Luther King's life and work. In one of Dr. King's last speeches in which he criticized our Vietnam policy, Dr. King stated that: "a time comes when silence is betrayal."

That time has come—and our continued silence will be our Nation's betrayal. The immediate withdrawal of our troops is the only new way out of Iraq:

Lt. Gen. William Odom, of the Hudson Institute said, (and I quote): "The wisdom and moral courage to change the course for strategic purposes is what we need today, not mindless rhetoric 'about staying the course.' 'Cutting and running' from Iraq is neither cowardly nor imprudent. It is the only way to recover from what is turning out to be the greatest strategic mistake in American history."

I concur wholeheartedly.

I thank the gentlewoman from California for her courage and persistence in the pursuit of peace; the pursuit of a saner and safer world for our children, and all the children of the world.

ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of today, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CONAWAY. Madam Speaker, it is great to be here tonight.

Wow. I came here planning to talk about H.R. 6, which was passed this afternoon, but not knowing how much time our colleagues across the aisle were going to take, I was instructed to get here quite early in order that if they quit ahead of time that we might lose our hour. So I have sat here for the last, almost 45 minutes, and listened to my colleagues.

It must be great, it must be wonderful to be so smugly self-confident to know the answers unequivocally. Things going on in Iraq are anything but clear-cut. We have some tough things going on ahead of us. I think there is a phrase that describes what really bothers me the most, and that is the classic, if I had known then what I know now, I might have taken a different course. Well, who wouldn't say that?

It is just amazing to watch folks flee to the sidelines of this fight and say it is all yours, Mr. President, this is all your deal; and we are smugly confident to know that you are doing it the wrong way and our plan is to flee Iraq immediately. And all of the evidence to the contrary, that Iraq would become a disaster of biblical proportions, they simply ignore with a cavalier attitude that just amazes me.

They continue to ignore the fact that since 9/11 we have not had a terrorist attack on this country, and I think that comes from several factors. One, we have some really wonderful men and women standing between us and the bad guys. Whether it is in uniform, whether in the intelligence services, or whether it is in the black operations all around this world, there are great men and women putting their lives on

the line so that that has not happened. And they have done a great job.

We are working real hard here at home at Homeland Security and elsewhere to make sure that doesn't happen, but I am afraid we have also been lucky that that has not happened.

We heard some comments this morning from an expert in jihadists. She breaks down the Muslim religion and Muslim group into moderates, who make up about 80 percent of the Muslim population of the world, and 17 or 18 percent would be referred to, in her vernacular, as Islamists, who are kind of in between; and then there is that 1 or 2 or 3 percent she referred to as jihadists. Those are the ones that perpetrated 9/11, and may not have had a hand in 9/11 but cheered and danced in the street. And those are the ones whose intention it is to kill Americans.

They hate us for who we are and the freedoms that we have. And they are still coming to get us. And all of the rhetoric to the contrary that this would be a great wonderful world if we would just simply grab hands and sing Kumbaya is like the little guy walking by the cemetery in the dark, late at night, whistling to beat the band just to try to keep himself from getting his pants scared off.

It is unfortunate we are at this point with respect to the debate, and I am quite frankly saddened by it. It is unworthy of us to be setting ourselves up to say I told you so; the Monday morning quarterbacking. The second-guessing is just legion among the squad who is, with hindsight, with the ability to know things didn't work, yet who at the time supported the program and supported the President, to now come back and cast these horrible aspersions against him and his intelligence squads and all the other things.

Yes, mistakes were made. No doubt about it. Mistakes are made in every war. But, you know, I think I will move on to something that is maybe a little better to talk about.

Another sad day. Today, on this floor we did something I didn't think was, A, possible or legal, but we did it, and I will walk you through it. We passed H.R. 6 with about a 100-vote margin, which I suspect the folks who voted for it will crow that it is a giant bipartisan bill to make this country less dependent on foreign crude oil and natural gas.

In fact, the preamble to the bill says that the intent of H.R. 6 is "to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources," et cetera, et cetera, et cetera. Quite frankly, it doesn't do any investing in that.

This bill's preamble is false because it simply sets aside the money taken away from the folks who are trying to provide crude oil and natural gas to this country and puts it into a slush fund to be spent by who knows who in the future on things we don't have a clue about. But their intent is, I sus-

pect, straightforward when they talk about that.

Would that this bill even came close to doing even that modest a statement. It doesn't.

The one thing that most of my colleagues and I on both sides of the aisle agree on, and most Americans, most folks in my District 11, who I represent, is that we are far too dependent on foreign sources of crude oil and natural gas.

I grew up in west Texas, and still make west Texas my home. It is one of the oil and gas capitals of the United States, and so I am unabashedly in favor of crude oil production and natural gas production. It feeds my family, in some instances, and fed me growing up. So I don't make any apologies for being in support of crude oil and natural gas.

I heard a new phrase today during the debate. One of my colleagues on the other side talked about foreign and polluting sources of crude oil and natural gas and fuels. What I would say to my colleague is that his righteous indignation would be a little more sincere if he would come to me and say, I have committed to either getting to and from my district by walking, I am going to ride a horse, a bicycle, a horse-drawn carriage, or I have come up with some new conveyance that does not use any fossil fuels, non-electric cars, some sort of a new non-fossil fuel way to get here as the first step on making that happen, because I feel so offended by the use of fossil fuels that I am going to begin to take those steps.

If my colleagues would begin to say that, then their disdain for the oil business and all the wealth it has created in this country, all the solutions it has provided would be a little more understandable.

Yes, there are problems with it, and we ought to be dealing with those in a straightforward manner. But that seems to be lost on the folks who on the one hand drive their cars, ride in their airplanes, and at the same time insult the domestic oil and gas industry of this country.

And it is an insult, quite frankly. Just look at the title to section 101, the short title, "Ending Subsidies for Big Oil Act of 2007." What is Big Oil? It is not defined in the act. It is just one of those pejorative terms thrown out there by the folks who drafted this bill, which, by the way, had no Member input into this bill.

And I am going to try to keep the whining about process to a minimum and just whine about the bill itself, but this is a staff deal. So at least the staff think the name Big Oil is pejorative, maybe the Members don't, but those who voted for it certainly agreed to that. So they are disdainful of the oil and gas business.

Back to what we agree on. From the President down to anybody that you talk to, all of us want to be less dependent on foreign sources of crude oil and natural gas or, in fact, totally independent of those sources.

□ 2045

Well, that road to independence is decades away. And between here and there, that road is paved with fossil fuels. That road is driven by crude oil and natural gas, and it is going to be a combination of domestically produced crude oil and natural gas and foreign sources of crude oil and natural gas because we consume 21 million barrels a day of gasoline, and whatever our imports are, about 65 percent of that is foreign sources. So I think most folks recognize that an immediate cessation of importing foreign crude oil and natural gas is not in the cards, not only in the short term, near term or really long term as we go about trying to become less dependent on fossil fuels, less dependent on foreign sources of that crude that we are headed to that path.

I would also argue that every single barrel of domestically produced crude oil and every MCF of natural gas makes us less dependent on foreign sources. That is just one more barrel that we didn't have to import. That is another 50-plus dollars that we didn't send to some country that may hate us. It is another \$6 an MCF of natural gas that didn't go somewhere else.

And so, why, for goodness sakes, would we want to intentionally inflict financial harm on the folks that are producing the crude oil and natural gas from domestic sources? It is counterproductive in the extreme.

And so when you talk about reducing our Nation's dependency over some period of time, since we recognize we are going to have to have crude oil and natural gas, then by reducing the domestic production of crude oil and natural gas, you have, in fact, increased the foreign source requirements of that crude oil and natural gas. And so that is what this bill does.

Now, does to do it in a way that is going to destroy the economy or destroy life as we know it? Not likely. This economy, these producers, are incredibly resilient and in spite of all of our predictions of doom and gloom on the one hand, in all likelihood this will have an impact on it. But there will be great men and women working hard every day in the oil business to overcome the challenges that we have put in front of them tonight with the passage of this bill in the House. We will see, of course, whether or not our colleagues in the Senate take this up.

The one disappointing thing about this bill is that as it talks about, they call it clean, renewable and alternative energy sources, it clearly ignores clean-burning coal technology, as well as nuclear power. Most folks who understand the need for energy in this country and understand the scope of energy and the scope of how that energy is produced would acknowledge that clean-burning coal and nuclear are two major and significant sources of energy for this path that we are on to try to get to where we have weaned ourselves off of crude oil and foreign crude and foreign natural gas. It is ignored in this bill.

Now, I know I heard earlier this afternoon, the chairman of the Natural Resources Committee, in his mind, alternative energy sources is coal, but it is a fossil fuel; and I am hard pressed to understand that clean-burning coal fits into the generally accepted definition. So I am disappointed that he was not able to, well that is right, this didn't go through his committee. So he had no opportunity to make that clarifying statement in the committee where the chairman has great sway, whether you are the Republican or Democrat. If you are the chairman of a committee, you have got great control over the bill. And had it been through his committee in the regular order, my guess is, given West Virginia's coal production, that my good friend would have clarified that the money that is confiscated from producers out of this bill would have been used in the clean-burning coal arena to help us wean ourselves from crude oil and natural gas.

Let me talk a little bit about the specifics of what this bill does. Back under the Big Oil category, let me talk about what that did. That is simply a tax increase. Most businessmen and -women understand that taxes on businesses go up and they go down, they go up, they go down, so a 3 percent increase in the tax rate on businesses is not something that is going to destroy any single business, I wouldn't expect. But it is cash flow that would have otherwise gone into their business. And in this instance, their business is producing crude oil and natural gas.

Statistics show that the small producers who are impacted by this provision reinvest about, in 2005, reinvested 617 percent of their profits back in the ground. Let me make sure you understand that. If they made a dollar out of their businesses, they borrowed \$5 and put \$6 back in the ground.

Now I would give you the statistics from 1999 to 2005, but it is embarrassing. It is 898 percent. And so these are folks that take that money that they earn, taking the risks of drilling for oil and gas. And I am going to be joined here in a few minutes by a colleague who fed his family for a while owning a service company in the oil and gas business, taking the risks that are inherent with all the oil and gas exploration, all of the regulatory burden with trying to produce crude oil and natural gas and making money with it and turning that money back into additional activity.

That 617 percent provides additional jobs, because you spend that with drilling contractors; you spend it with service companies, some large and some small, some mom and pop organizations. In fact, my dad and mom owned an oil field service company for the last 25-plus years of my dad's career. They spent it with folks like him, who he also hired folks, and so that is how that system worked.

What section 102 does is to change a section of the code, section 199, which, back in 2003 when America was losing

jobs, particularly manufacturing jobs, the Republican Congress in place at the time said, we need some way to incent manufacturing jobs because most manufacturing jobs have better benefits and better pay than service jobs, particularly entry-level service jobs.

Now, you know, lawyers and accountants and doctors and others are in service business and they make really good money. But the bulk of service jobs are such that they don't make as much money. But manufacturing jobs, by and large, really are important to this economy on a go-forward basis.

In fact, back in 2003, Speaker PELOSI said manufacturing jobs are the engines that run the economy. These are good jobs. They give working families high standards of living. So even our current Speaker agreed that to incent manufacturing jobs to stay in this country was an important thing to do. So that is what section 199 of the code was intended to do.

The net effect was to take the corporate tax rate which, on C corporations is 35 percent, and over its implementation time frame would lower that rate about 3 percent to somewhere between 32 and 33 percent, meaning that those manufacturing jobs would have that 3 percent taxes that instead of coming to the Federal Government and having the 435 of us spend it, the companies would spend that money themselves. And with respect to the oil and gas business, they would take that money and multiply it by, from 200 percent to 600 percent for the small companies with additional activity, additional jobs.

Now, by definition, oil and gas production was considered to be manufacturing under the definition that was put in place. Now, under the ending subsidies for Big Oil, every single oil company, the companies that produce the largest average daily production down to the smallest daily production, if they are a C corp, are impacted by this. So I guess by impact, we will have to assume, my colleagues on the other side's definition of Big Oil includes every oil company, just because that is how this impact will be. This impacts every single oil company that is in that business.

And again, I said taxes go up, taxes go down. But the net effect on this is that there is less money for these companies to spend in the oil business drilling, producing, completing all the things that go on to produce additional crude oil and natural gas which, again, as I said earlier, limits our need for imported crude oil and natural gas. Every single barrel is a barrel that we have not had to buy from somebody who really hates us.

There are a couple of other tax provisions that, whether the amortization period should be 5 years or 7 years or 3 years, reasonable people are going to differ on that and it is unfortunate that we have made that change, but that was not one that I think anybody is necessarily going to fall on their sword over.

Let me talk a little while about the most insulting piece of this entire piece of legislation, and that is referred to under section 201 as the Royalty Relief for American Consumers Act of 2007. Now, just the title would mean that apparently American consumers are paying royalties. That is not the case, and so the title is flawed.

I had introduced an amendment that was not made in order for reasons you will see here in a minute when I quote it. My better title, my amendment would have given this thing a little more descriptive title to the bill than the Royalty Relief for American Consumers Act, which is meaningless, except the individual terms have meaning, but in context of this bill they don't have much meaning.

The title is far more descriptive of what the impact of title II does on our oil producers, is the Congressional Abrogation of Contracts Using Blackmail Act of 2007. That is much more descriptive of what section or title II in these following sections do as a result of this.

Let me set a little bit of the history for you. There are always going to be ups and downs in the oil business, not to be confused with drilling for oil and gas, but nevertheless there are swings in the economy. There are swings in oil and gas, and sometimes it is great to be in the oil business and other times it is not really good to be in the oil business.

One of those times that was particularly bad to be in the oil business was 1998, 1999 when the price of crude oil, sweet crude was about 10 bucks a barrel. Sour crude was \$7.50 or less per barrel. And so at that point in time, companies were coming to the Federal Government to lease offshore leases in the Gulf of Mexico.

Now, again, the price was 10 bucks a barrel, 12 bucks a barrel. Contrast that and today. This is 1998 and 1999. I lived through that time in west Texas. We had a march on the Capital led by some folks who demanded that the Texas legislature do something to try to help the oil business. There were thousands and thousands of jobs lost in the economies of west Texas and throughout the oil business as a result of those low prices. It was almost impossible to make money at that price, and folks were being laid off. Rigs were being stacked and not utilized, and it was one of those bottom down times in the oil business that happens from time to time.

So against that backdrop, the Clinton administration, led by Secretary Bruce Babbitt, who I assume is a competent Secretary of the Interior, offered up leases for the oil and gas companies to drill on.

Now, when you are trying to decide how much bonus money to pay the leaseholder, in this instance the Federal Government, obviously the price of crude, the price of natural gas is a significant piece of what you are trying to do. Another piece of it is what your

share of the crude oil will be if you find crude oil or natural gas in the ground. Most leases provide for a royalty to the mineral owner. In this instance the Federal Government is the mineral owner. But given the circumstances of the day, there is some fuzziness as to why this happened. But the leases issued in 1998, 1999, which would have normally had a royalty associated with them, did not.

Now, I have to assume that there are competent lawyers, maybe some of them still there at the Interior Department who worked on behalf of the Interior Department to negotiate, in good faith, with the companies who were actually wanting to buy these leases or actually wanted to pay the Federal Government for the right to drill in the Gulf of Mexico in an environment which is very difficult to drill.

I have to assume, since we have not seen any malpractice suits, we have not seen anybody lose their law license, that these guys were doing the job they were told to do. The companies were represented by reputable lawyers, and a deal was struck. In effect, the Federal Government shook hands with these companies and said, here are the leases. Here are the terms. Here is what you need to do. And go forth and drill. 1998, 1999. \$10 a barrel crude oil.

Well, today, crude oil has been much higher than it is right now. But it is still over 50 bucks a barrel last time I checked, although it may have dropped some yesterday, and circumstances are radically different. Well, the opportunists on the other side see this as a chance to, in their view, in their mind, correct something that was done wrong in 1998 and 1999.

□ 2100

The truth of the matter is, a deal was struck in good faith by the Federal Government, by other companies. These companies should have been able to rely on those written contracts to conduct their business.

This Congress, though, has seen fit to step into the breach to do something I didn't think was legal for us to do but nevertheless are doing. Most times, when you have a contract conflict or a conflict over the terms of a contract, our judicial system is where that is ferreted out, where facts are drawn, where rational arguments on both sides are presented, where you have a trier of the fact, you have a judge, and everybody comes to whatever conclusions.

That is not how this works on this floor. On this floor somebody came up with a good idea that we ought to go get this money, and 260 of our colleagues agreed to that idea. I am not sure that everybody fully understands that these were contracts that companies should have been able to agree to, should have been able to rely on. Most companies can deal with taxes going up and down. What companies hate to deal with is dealing with a customer, dealing with a partner that you cannot trust.

We have now placed the United States in that category. We are now in league with the conduct of Hugo Chavez, the conduct of Evo Morales in Bolivia in terms of how we treat contracts with this Federal Government.

From this day forward, as far as the House is concerned, and, again, this may not happen in the Senate, but as far as the House is concerned, we are told, at least people in the oil and gas business, if you sign a contract with the Federal Government, too bad. Now, we are going to hold you to every single term in there, but we on the Federal Government side, if we don't like the deal, if the deal changes, if the deal looks like it is too good for you, then in addition to taking tax money away from you, we are going to impose either a fee or we are going to force you to renegotiate these contracts.

Here is some language that is just unpalatable in the extreme. Section 202, the Secretary of the Interior shall agree to a request by any lessee to amend leases. A request by a lessee to come in and change a contract? That is not going to happen. Since when do you have to demand that the Secretary of Interior accept that?

This is only happening because this law is, in effect, a gun held at the head of these lease owners to come in and renegotiate. There are some mechanical flaws in this thing that I am not sure was an intended consequence. One is that if you are a holder in due course of one of these leases, and you sell it to somebody else, you sell all of your right, title and interest in it. Then unless that new leaseholder agrees to these terms and agrees to this, nonsense, then you are forever tainted. You cannot get another lease. That is where the blackmail comes in. Unless you renegotiate the lease, you cannot get another lease from the Federal Government to drill on Federal lands.

I know there are a lot of folks who hate the oil and gas business, and never drilling on another Federal land is an acceptable public policy, but it is wrong-headed if you think that we can continue to import foreign crude oil and get to where we want to with respect to the energy independence.

Another problem that is, in all likelihood, is a Republican problem as well, back in June we passed a similar concept, a conservation fee that is triggered at \$34.73 a barrel. Here are the mechanics. If the price is above \$34.73 a barrel on average for a year, then you owe a \$9 fee on that production. If it is less than that, then you don't owe that fee. So you are the business guy, you are the guy that is producing crude oil and natural gas, you have been rocking along all year along at \$34.70 on average, and so you are not paying that fee. You built your business model based on that number.

Then you get a \$.10 increase in the average price over that timeframe, and you are now making \$34.80. You now owe a \$9 fee, which drops you back to a \$25 gross revenue on each barrel of oil that is sold.

There are many places in the world where business people have to deal with that kind of a 25 percent haircut just because something went up over a particular threshold.

A couple of amendments that I offered, then I am going to turn to my colleagues for whatever time they would like to take that I offered up that seem to be a little more straightforward than my first one. The first one would have said there is plenty of uncertainty as to what the impact this is going to have on domestic crude oil and natural gas production. We all agree that for every barrel that is produced domestically is a barrel we don't have to buy from somebody else.

Given the uncertainty, given the rush to judgment that this was, let's have the Secretary of Energy and the Secretary of Interior document what the impact is going to be and tell this body for sure and for certain that this will not reduce the investment in crude oil and natural gas and will not reduce the domestic production that we rely on to help wean ourselves off of foreign production. I got turned down on that.

Then the second one was if our goal is to increase domestic production while we bring on these other technologies that are decades into the future, then let's not penalize the people who are taking the money and putting it back in the ground. Let's only have these penalties apply to people who are taking the money and giving it to shareholders or, you know, some nasty thing like that.

So folks who reinvest over 75 percent of their net profits would not be affected by this. For those folks who are taking the money, putting it back in the ground, they wouldn't be impacted by this law; those folks who are taking less than 75 percent of their profits and putting it in the ground, then they would have to pay these penalties, and they would be associated with that.

I meant to say early on that the chairman of the Rules Committee had told us in advance that none of these amendments would be made in order and that we were wasting our time and breath, but it seemed like something I ought to do.

I am joined tonight by STEVE PEARCE from New Mexico. He and I share the New Mexico border along a good long stretch. He is also the Congressman for my three grandsons, and I am particularly interested in him doing a good job on behalf of my three grandsons and my son and daughter-in-law.

Mr. PEARCE, would you share with us some of your thoughts?

Mr. PEARCE. I would thank the gentleman from Texas for bringing this important item up tonight and will enjoy the opportunity to address it.

First of all, as we went through the discussions today, we were told, I heard that it was not the intent to lower production. It was not the intent to harm the American consumer. It was not the intent to defraud the contracting process. But I would share with my colleagues that the same kind of language

had to be used in the first item that came to the floor.

That item, the majority placed an element into the new rules package which said that a Member, Delegate Or Resident Commissioner may not use personal funds, official funds or campaign funds for a flight on a nongovernmental airplane that is not licensed by the FAA to operate for compensation or hire.

Now, when it came up for their own colleagues, they came to the floor and just declared in their comments that this was not the intent of the provision. But it is the effect of the provision, because they absolutely outlawed, they made it illegal to use even your own funds or campaign funds or MRA, that is the Congressional delegation funds, for private aircraft. So you had then Mr. HASTINGS of Florida say, I want to assure my colleagues that this is not the intent of this provision.

Now, either we are bumping into people who were not quite prepared to present legislation to the floor, who are maybe getting bad advice, maybe thinking a little bit too quickly, maybe being driven by an agenda to bring stuff to the floor, to bring legislation to the floor that is a little bit narrowly constructed without the opportunity to go to committee.

But let's take a look at what happened today in this energy bill. The first thing they declared was that energy companies are making so much profit that they must be declared immoral, that we must take back some of that money. We heard that over and over and over again today.

But I would like to take a look at a chart here that begins to break down the cost of petroleum versus the cost of some of the other items take we have.

The cost of oil, today, is \$52 per barrel. The cost of bottled water is \$409.50 per barrel. The cost of American beer is \$448 per barrel. The cost of ice cream is \$934 per barrel. Nail polish rings up an amazing \$75,264 per barrel.

So we have to ask how it is that we are declaring too much profit is being made? I heard today that oil companies, the top oil companies made \$96 billion in profit. Yet when I look at Microsoft in just this past year, it was \$36 billion just by itself.

If we are going to make it wrong, if we are going to simply set up the class struggle between companies that make extraordinary profits, we should look at those that have no investment in large capital.

When I look at the elements of producing oil that we are describing today, I see an investment in a rig that is almost like \$1 billion to \$1.5 billion. Now each one of these components that is made on this rig creates jobs, they create cash flow, they create profits for a whole range of companies.

So when my colleagues were saying we need to go up on the taxes for these pieces of property, I think that the American consumer is smart enough to realize that investors just might

choose not to put their money into this project.

If that is the case, then we are going to find that our colleagues, in trying to assure energy independence, will, in fact, ensure energy dependence.

Because in America, in the United States, we are driven further and further offshore, further and further down into the ground in order to produce oil.

Saudi Arabia produces from a very shallow depth. Some of the wells in our district may be 20,000 feet deep. Saudi Arabia could be producing from as shallow as 1,000 feet deep. Saudi Arabia already has significant cost advantages over the United States production. We have tried to encourage this kind of drilling, this kind of production, to see that we have as much oil and gas as possible from internal sources.

Now, our friends have said that they wanted to create incentives for the renewable fuels. Then they declared that the previous Congress for 12 years did nothing. I don't think they absolutely intended to mislead the American public on that, but they certainly did.

Just because of the effects of the Energy 2005 Act that we passed from the Republican House, let me read a list of renewable projects that have already started or are already showing results.

First of all, because of that legislation in 2005, 27 new ethanol plants have broken ground, 500 million gallons of new annual ethanol production is online already, 1.4 billion gallons of ethanol production are online by the end of 2006; 401 E-85 pumps, those are the pumps that can give you 85 percent ethanol if you pull up and have an engine that will burn ethanol; 25 new nuclear reactors are planned, 25,000 megawatts of electricity will be generated by 2020 if all 25 plants are built, 15 million households can be powered from the electricity by the 25 plants; 116,871 new hybrid vehicles have been purchased since January 1 of 2006, so the last calendar year, over 116,000 vehicles that are hybrids; there were 2,000 megawatts of new wind power.

Many of those wind generators went into the second district of New Mexico that I represent. Many others lie just outside the district. Wind generators are not suitable for all parts of the country, but New Mexico is one of the few States that could be self-sufficient on wind energy. Very few States are capable of doing that; 493,000 homes will now be powered by new wind power.

Three billion in economic activity is spurred by the wind power production. There is 7 billion pounds of CO2 offset by new wind power production, 1 million homes that can be powered by new wind power by the end of 2006, 100 percent increase in California and New Jersey and the applications for photovoltaic systems, 30 percent increase nationwide are solar, thermal collector installations. We had 15 new efficiency standards implemented for large appliances and 50,000 megawatts of energy saved by 2020 because of the 15 new efficiency standards.

Now, our friends today said frequently that they were giving comments like clean energy policy starts today. Well, they are making the implication that nothing was done previously, and such is just not the case.

Mrs. BLACKBURN. If the gentleman would yield, I would like to refer back to something that he was saying on the alternative fuels development, draw attention to that. I know that the gentleman from Texas will agree with me, just as the gentleman from New Mexico has.

□ 2115

What we are doing is recapping much of what took place in the Energy Act of 2005, and in that act, the \$8 billion that was set aside and designated for alternative fuels development, the reason that was done was because the Republican House leadership knew and the Senate agreed and the President agreed that beginning some alternative fuels development was very, very important. It was something that needed to be done. Great ideas needed to be brought to the table.

I think what the gentleman is saying is so very significant, and I want to highlight it because I appreciate so much the fact that you are bringing it forward, that whether you are looking at the blended fuels and ethanol and biodiesel, all of that is coming on line.

If I understood the gentleman correctly, what we have seen over the past 18 months is generation capacity of these alternative fuels, fossil-based fuels and blends. What we are seeing is hundreds of millions of gallons available at the retail level every year. This will increase every year.

We will hear more this evening from our dear colleague from Maryland about developments in other alternative energies and getting outside of the box and thinking outside of that paradigm. But I appreciate so much the gentleman highlighting the provisions that were there and shedding a little bit of sunlight on the statement that was made today over and over and over on the floor of this House, an untruth, whether they are misinformed or misdirected or misguided or whatever, that clean energy policy would start today. Then what did they do when they voted for the energy act that we passed in 2005, because we got that out of Energy and Commerce Committee on a bipartisan vote.

We took significant steps at that point in time, and, as the gentleman is seeing, results are being yielded and brought forth.

Mr. PEARCE. Madam Speaker, I thank the gentlewoman for her comments. One of the distressing things about the vote we took today was that not only were we setting up kind of an undisclosed fund, a slush fund for things that had already been done, the \$8 billion referred to by my colleague from Tennessee was in the Energy Act of 2005 and was very specific. It had incentives for wind, solar, biomass, geothermal, hydrogen and nuclear. It had

incentives for many of the renewable fuels. Those incentives are taking place and those incentives are causing developments to take place that are very significant.

But the very damaging thing about this bill today was it violated a constitutional provision that prohibits the Federal Government from taking private property. That occurs on page 10 of the bill. Again, I would read the excerpts from the bill, line 4 on transfers. Basically the language says: "A lessee," and some language in between, "shall not be eligible to obtain the economic benefit of any covered lease or any other lease for production of oil or natural gas in the Gulf of Mexico" unless they voluntarily back away from, agree to undo these contracts written in full faith.

If you can imagine an investor, or even a stockholder, having to walk away from an investment like this because the government changed its standards, the government changed the contracting basis, you would understand then why The Washington Post said: "This House bill would break the deadlock," meaning the deadlock in this contracting process that has been so messed up. "The House would break this deadlock by imposing heavy penalties," that is the heavy penalty of walking away from that investment without economic return, "on firms that do not renegotiate on terms imposed by the government."

"This heavy-handed attack on the stability of contracts would be welcomed in Russia, Bolivia and other countries that have been criticized for tearing up revenue sharing agreements with private energy companies."

I would like to share with my colleagues, before I yield back, the things that this Washington Post is referring to. For instance, in Venezuela in 2006, Hugo Chavez caused royalty rates to be increased from 1 percent to 16 percent without renegotiation. In 2005, Venezuelan President Hugo Chavez mandated that private oil firms cooperate with new contractual changes. Those firms that did not agree had their assets nationalized.

Now, we are not nationalizing these assets, but we are saying you have to sacrifice any potential to make economic benefit from that. That does not seem American. It does not seem like the way that we want to run business in this country, and yet it is what the majority presented to us today. They said, well that is an unintended consequence, which brings me back to my initial point, that maybe they just should have sent these things to committee before they came to the floor with such outlandish provisions.

Bolivia in 2006 threatened to expel oil companies that refused to agree to new government terms on already existing contracts. That is very similar to what this language in this bill did. If you don't agree to the terms in the language here, then you do not get to make economic impact from an investment such as this.

In May of 2006, President Evo Morales in Bolivia suspended negotiations and nationalized his country's energy industry. These actions were done for short-term increases in revenue from taxes and royalties, but foreign investors have canceled almost new projects, which will likely lead to massive economic problems in the future.

Now, if they are going to cancel economic projects in Bolivia because of the overturn of existing contracts, I will guarantee you that they will do the same in the United States, and they will cancel future contracts.

Russia found the same thing. President Putin made firms agree to change existing leases that had been in existence for several years. He threatened to pull these leases for suspect reasons. Now he is willing to hold all of Europe hostage as he takes these nationalized assets. I will tell you that companies will not invest in Russia in the energy business in the future.

These are all problems that this bill today that was passed off the floor of the House of Representatives are going to cause. So if my colleague would give me one more second, we would run through a chart showing what American consumers can expect from this bill.

First, it sends American manufacturing jobs overseas. The second thing that it does is lower domestic energy production, so we are going to use more foreign oil, not less. It is going to provide higher prices at the pump, \$3, \$4, \$5. Hugo Chavez, the Iranian Government and the Russian Government get the handouts at the expense of the American consumer.

American voters need to understand what has occurred in the House of Representatives today. I think that they are going to rise up when they begin to see the effects on jobs, when they see the effects at the pump, and when they see that the contractual basis, the full faith and credit of the United States, has been undermined by this piece of legislation.

I thank the gentleman for yielding. If he has additional time, I have other comments. But I thank the gentleman from Texas for bringing this important issue up.

Mr. CONAWAY. Madam Speaker, I thank the gentleman for joining us tonight. It just occurred to me that the Federal Government has contracts with investors all over the world, where we have borrowed money from them at interest rates that may or may not be advantageous. I wonder if those holders of those bonds and T-notes out there all around the world are noticing tonight that if interest rates go the wrong way, that this Federal Government set a precedent of simply changing them at will. That ought to put a chilling effect on the purchase of this money.

Mr. PEARCE. That is a great point. Let me make one additional comment. The very amusing thing is the people that are so critical of the contracting

process, the negotiation process, are exactly the same people that said we should trust the Federal Government, who negotiated so badly here, to negotiate in good faith on our prescription drugs. I will tell you, it is not congruent. It does not fit any sense of logic that I understand.

Mr. CONAWAY. Madam Speaker, we are also joined tonight by a good colleague from Tennessee, MARSHA BLACKBURN. I yield to the gentlewoman.

Mrs. BLACKBURN. Madam Speaker, I thank the gentleman so very much. The gentleman from Texas, being an accountant and understanding what is at stake when you talk about changing contracts and changing rates of taxation, it is so wise to point these things out for our colleagues tonight, and we appreciate that, and also the expertise in the energy industry that our colleague from New Mexico holds.

I have dubbed this the "hold-on-to-your-wallet Congress," and indeed I believe it is. To the Americans who are watching us, you just better be hanging on to that wallet, because if you are not, they are coming to a pocket near you to get every single penny out of it that they can wring out of it. They are off in their 100 hours to quite a start.

As we talk about the energy bill tonight, the gentleman from New Mexico was recapping what this means and the impact this is going to have on the American people, and he is exactly right. The bill that the Democrats in the House passed today does not put one more penny toward alternative energy development or exploration or alternative fuels. It doesn't do it.

It will not make gas cheaper. Contrary to what you heard on the floor of the House today, this is not going to make gas at the pump cheaper.

It will not increase U.S. production. As a matter of fact, it is going to make it more difficult to produce fuels and gas and heating oil in the United States.

Now, the foreign gas production companies and foreign refineries probably love the action that was taken here today, because they saw House Democrats saying we don't have enough faith, we don't trust the U.S. oil industry enough; but we are going to put our attention on foreign investment and foreign oil, because indeed what they did was make us less dependent on U.S. oil and more dependent on foreign sources of oil.

The Washington Post, the Wall Street Journal and the Washington Times, three publications that very seldom agree, all agreed today that the bill, H.R. 6, the Democrat bill, was not a wise move for the people of this great country.

So to the gentleman from Texas, and Madam Speaker, I will commend to you that indeed this is the hold-on-to-your-wallet Congress. As we have heard in this first 100 hours that our friends across the aisle have been in charge of

this majority, we have had no regular order. We have no rules. They did go in and make a change to make it easier to raise taxes.

As I said, hold on to that wallet because they are coming for it. They actually made it easier to raise taxes on the American people.

They even want to get into committees and not record votes so that you will not know what they are doing in the Rules Committee and in some of the committees so that you can play both sides of the aisle on these issues.

In addition to the energy bill that was passed today, they also passed a bill dealing with student loans. It is not going to do one single thing to help get one student into college. They were dealing with interest rates after, after, you leave college.

They decided they wanted to rework a Medicare prescription drug plan. Well, do you know what? Over 75 percent of the seniors are satisfied with the prescription drug plan; and here they go, they are wanting to make that one more expensive.

With the 9/11 Commission, we heard from our transportation industry, from companies large and small that transport goods and merchandise that it would be a cost of billions and billions of dollars to the American public.

The minimum wage bill that brought about Tunagate, my goodness, \$5 billion to \$7 billion worth of added cost to the small businesses, plus our fiasco with Tunagate that was carried forth by the gentlelady from California.

So it has been an interesting 100 hours. They did pass their energy bill today; and as has been said, it is not a bill, Madam Speaker, that is going to make gas cheaper at the pump, more affordable, or make the U.S. less dependent on foreign oil. It will make it more dependent on foreign oil.

I yield back to the gentleman from Texas.

□ 2130

Mr. CONAWAY. I thank the gentleman for coming back from her previous engagement this evening to join my colleague from New Mexico. We are just winding down. Does my colleague from New Mexico have another point or two he wanted to make?

Mr. PEARCE. Yes. I would comment to my colleagues that a government depends on the confidence of the people. We make promises all the time, and we are expected to honor those promises if we are going to be a good government. We make promises to our seniors. We make promises to our veterans. We make promises to our young men and women who serve in the military that we will watch out for them, that we will take care of them.

But like the gentleman says, we also make written contracts and written agreements. In this bill today, we have undermined the contracting process. We have declared that previous agreements simply must be renegotiated or you give up all future rights, and when

we as a country choose to do that, not only do we offend and compromise our constitutional protection of private property rights, we undermine the confidence in our Nation and in our government.

This is such a very serious step. It is a step that other Nations take very easily and yet is so significant, and yet this major step, this change in American policy was done without one single committee hearing.

This bill that was in front of us today, H.R. 6, should have gone to four different committees. Instead, it went to none, not one committee hearing, and there were new provisions in this bill. There were new people on the floor who were elected just this year who have not heard the old provisions. I do not disagree with my colleagues who wanted to make us energy independent, but they failed in that task, and in the process, they have begun to undermine the confidence of this great Nation and the great reputation it has for treating fairly those people who invest and those people who trust the government.

Who else will be undercut by actions from the floor of this House and the Democrat majority that is willing to take any step to try to enforce a new standard while declaring it to be a new way? Instead, it is an old, tried way that many other Nations have tried in the past. It is unfortunate to see now this Congress and this majority taking steps that Russia or Bolivia might have taken.

I thank the gentleman for yielding time to me.

Mr. CONAWAY. I appreciate the gentleman from New Mexico being with us tonight.

On the campaign trail and in the town hall meetings throughout my brief career, I have talked about Social Security being basically a contract with ourselves, a promise with ourselves, that we would not break that. From now, every time I talk about that, I will have to think about this legislation, have to think about the fact that, wow, here is a written contract, much like the written provisions of Social Security, much like the written provisions in our veterans' benefits, that we tend to keep but here is one that we did not.

I appreciate both my colleagues coming tonight. Here is one final thing. I go through the long list of co-sponsors on this bill. At the end of it, it says they have introduced this bill and it has been referred to the Committee on Ways and Means, Natural Resources, Budget and Rules for a period to be consequently determined by the Speaker. I do not think there is a stopwatch fast enough that could measure the amount of time that this bill laid before those committees because they did not work. So how those committees did meet, how they were able to get it through all four of those committees without anything happening, without any meeting is one of those well-kept

secrets about how this process works when you do not have a transparency that a full committee process will have.

As I told them earlier this afternoon, I hope that my colleagues on the other side are not so intoxicated with this power that they now wield that they continue this process of not having committee hearings, not taking regular order, not moving things through in ways where at least we can point out the flaws in a format and in an arena in which it can be perhaps have an impact on the ultimate legislation.

So I want to thank the Chair for having us in here tonight.

PEAK OIL

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of today, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, last evening we were here just about this time talking about this same subject, the subject we have been talking about for the last hour. We had been discussing the phenomenon known as peak oil. That is the term given to a prediction that a geologist made, M. King Hubbert, working for the Shell Oil Company in 1956. He gave a speech in San Antonio, Texas, which I believe within a decade will be recognized as the most significant, most important speech given in the last century.

What he predicted was that the United States, which at that time was king of oil, we were producing more oil than any other country. We were using more oil than any other country, and we were exporting more oil than any other country. M. King Hubbert had the audacity in San Antonio, Texas, in 1956 to predict that in just a bit less than a decade-and-a-half, by about 1970, he said that the United States would reach its maximum oil production, and after that, inevitably, no matter what we did, oil production would tail off.

That prediction came true. Surprisingly, in 1970, some may say 1971, we peaked in oil production. In 1969, using this same analysis technique, he predicted that the world would be peaking in oil production about now. So last night we had come in our discussion to the point that we were looking at the potential for the alternatives that we and the world would need to turn to as we slide down the other side of what is referred to as Hubbert's peak. We noted that there were some finite resources, some nuclear resources and then the true renewables.

There are three justifications one might use for moving to alternatives. One is peak oil, and we will transition from fossil fuels to alternatives. Oil, gas and coal obviously will not last forever, and as the earth at some point runs down the other side of what we call Hubbert's peak and there is not enough oil, gas and coal to meet our

energy needs in the world, we will transition to alternatives. The only question is whether we do that on a time scale that we control so that it is a pretty easy ride, or whether we do it as dictated by geology, where it may be a very difficult ride.

Two other reasons for moving to alternatives. One is our dependence on foreign oil. Today, we have only about 2 percent of the known reserves of the oil in our country. We use about one-fourth of all the oil in the world, and we import about two-thirds of what we use. Obviously, if M. King Hubbert was right about the world, and there is every reason to believe he will be right about the world, we will need to transition to alternatives.

From a national security perspective, we ought to have been doing this a long while ago. A couple of years ago, 30 prominent Americans, Jim Woolsey, Boyden Gray, McFarland and 27 others, wrote a letter to the President saying, Mr. President, and they used the statistics I just used, the fact that the United States has only 2 percent of the known reserves and uses 25 percent of the world's oil and imports almost two-thirds of what we use is a totally unacceptable national security risk. Mr. President, we really need to do something about that. So even if you think that there is a whole lot of oil and gas out there, you still may be very incentivized to look for alternatives if you are concerned about our national security.

There is another reason to look for alternatives, and that is, if you believe that we have global warming, and I think there is an increasing body of evidence that suggests that that is probably true, and that we are probably contributing to that, although in the past the earth has been very much warmer, this is in a very distant past. Ordinarily, the past that we are talking about is from the last ice age, which is like some 10,000 years back. It is now the warmest we have ever been since that last ice age, but sometime way in the past the earth has been very much warmer because there were apparently subtropical seas in what is now the north slope of Alaska and the North Sea because we are finding oil and gas there.

The general belief is that this oil and gas was produced by organic material that grew in these subtropical seas, that every season it matured and fell to the bottom and was covered and mixed with sediment that was washed off of the adjacent hills, and then that built up for a very long time. Finally, with moving, the tectonic plates was submersed down with enough pressure and enough heat from the molten core of the earth and enough time that this finally was processed into gas and oil, and then if there was a rock dome over it which would hold the gas, now you have a very fertile place in which to drill. It took a very long time to grow all of that organic material and to turn it into gas and oil.

We are now in a relatively few years releasing all of the carbon dioxide that was sequestered in this organic material over quite a long time, until we are driving up the CO₂ of the world, which in the last century or so is nearly twice now what it was a century or so ago. This is what we call a greenhouse gas.

You can get some idea as to the greenhouse effect. If tomorrow is a sunny day and a cold day, and if your car is parked outside with the sun shining on the windshield, you may find quite a warm car when you go out there. That is because of what we call the greenhouse effect. The light that comes in from the sun, call it white light, it comes in over a long spectrum of wave lengths, and it goes through the glass of your car. Then it warms up the material of your car and it reradiates only in the infrared. Well, the glass of your car is pretty much opaque to the infrared. It keeps the heat inside. It reflects it back, and that is why your car gets so warm.

The greenhouse gases out there, you may remember being in an airplane, you are 44,000 feet, and the pilot tells you it is 70 degrees below zero, when down just below you may be flying over south Florida where it is very warm, and this is because of the greenhouse effect. The energy coming in from the sun heats up things in the earth, and when that heat is reflected back out, emanated back out, it is reflected by what we call the greenhouse gases and CO₂ as one of those.

So there is increasing evidence that we have global warming, and there may be a need to move to the alternatives because many of these alternatives, although they will produce CO₂ when you burn them like ethanol, that CO₂ was taken out of the atmosphere by the corn plant when it grew. So you are not contributing any more CO₂ to the atmosphere if you are using a product that just last year or so took the CO₂ out of the atmosphere.

Now, what you would want to do in these last 2 cases is a little different in moving to alternatives. We have a essentially run out of time and run out of energy to invest in alternatives. We absolutely knew by 1980 that M. King Hubbert was right about the United States. We had peaked in 1970. We have done nothing in the ensuing years. If M. King Hubbert is right about the world, we have no excess energy to invest or oil would not be \$50, \$60 barrel, which means we have essentially run out of time and have no energy to invest.

□ 2145

Now, we could buy some time and free up some energy with a very aggressive conservation program.

Now, if your concern is foreign oil, then you could also get some additional energy from such things as tar sands and oil shales and coal. But if your concern is global warming, this will be a very bad place to get energy to invest in the alternatives that we

will ultimately have to transition to because it take a lot of energy to get energy out of tar sands, and that energy is fossil fuel energy and that releases CO₂ into the atmosphere.

So you are making a bad situation worse if your concern is global warming and you think CO₂ is the cause of that and you want to transition to renewables, and you are going to get the energy to transition to renewables from tar sands and oil shales and particularly in coal somewhat. You will simply be releasing more carbon dioxide into the atmosphere. But let's look at these, because if the other two incentives are your incentives, then these are good bets.

If you are simply concerned that we have got to transition to renewables, then you will use whatever energy is available, and there is potentially enormous amounts of energy available in these tar sands and oil shales. And if you are concerned about dependence on foreign oil, then this is a good place to begin.

The tar sands. Some may call them oil sands; they are tar, thank you. It doesn't flow; it is really very much like tar. It is, I guess, a bit better than the asphalt parking lot out here, but not much better. If you put a blow torch on the parking lot, that will flow, too, which is pretty much what we have to do with the tar sands. They exist in Canada around Alberta, Canada. There is an incredible amount of potential energy there. There is more energy in these tar sands than in all the known reserves of oil in the world.

But why aren't we resting easy, then, that we have got an easy transition, a big source of energy? Because this energy is not all that easy to get out of the tar sands. The Canadians are now getting about a million barrels of oil a day. That sounds like a lot of oil, and it is a lot. It is a little less than 5 percent of what we use in our country and just a bit more than 1 percent of the 84 million, 85 million barrels a day that the world uses; but they are using an incredible amount of energy to get this.

They are mining this, if you will. They have a shovel there that lifts 100 tons at a time, they dump it into a truck that hauls 400 tons, and then they take it and they cook it, and they are cooking it at the present with natural gas. They have what is called stranded natural gas there. There are not very many people in Alberta, Canada, that use it and gas is very difficult to move long distances; and so they are using this gas to produce oil from the tar sands.

I am told, and you can be told a lot of things that aren't true, but I am told that they may be using more energy from the natural gas than they are getting out of the oil that they produce. But from an economy perspective, that is okay, because the gas is very cheap and the oil is very expensive. And I understand it costs them \$18 to \$25 a barrel to produce the oil; and if it is selling for \$50, \$60 a barrel, obviously there

is a big profit there. But this natural gas will not last forever.

And where will the next energy come from? They are talking about building a nuclear power plant there so they will have additional energy for cooking this oil.

And they have another problem. The vein I understand, if you think of this as a vein, it now ducks under a big overlay of rock and soil, so that they will not be able to continue to develop this by mining it which is what they are doing now. They will have to develop it in situ, and I don't know that they have any economically feasible way of developing it in situ.

So although there is an incredibly large amount of potential energy available there, it will take a lot of energy to get it out, so what you really need to be thinking about is the net energy or the energy-profit ratio that you get out of this.

Who knows what new technologies we may come up with, what the engineers may be able to do, but one should not be too sanguine that this will be a savior, that we will get enormous amounts of energy from this, because of the difficulty of getting the oil out.

The oil shales. The name might better be called tar shales, but we refer to oil shales, and they are found in our western United States, in Utah and Colorado and so forth. And, again, there is absolutely an incredible potential amount of oil that could be extracted from these oil shales, or tar shales. Probably more than all of the known reserves of oil in the world, if we could get it all out. There have been a couple of attempts to do that. The most recent one was by the Shell Oil Company, and there was some glowing reports in the papers about what they did there. But there are aquifers associated with this shale that they need to protect, and so what they do to develop this is to go in and drill a bunch of holes around the perimeter and then freeze it.

So they in effect have a frozen vessel, and the oil will not move through that frozen vessel. And then they drill wells in the middle of it and they cook it, and they cook it for a year. And then they drill a third set of wells, and then when they get to the bottom, they go horizontally. They are very good at doing that now. So the oil that they cooked, loosened up by the second set of wells they drilled, now flows down through the shale, into the well that they drilled that finally went horizontal, and then they pump it out of those wells, and then they pump it for several years and they get a really meaningful amount of oil out.

A couple of years ago I was out in Denver, Colorado, speaking to a peak oil conference there, and the engineer, the scientist who did this little experiment cautioned that it would be several years before Shell Oil Company decided whether it was even economically feasible to get any oil out of the oil shales using that technique. Now,

there may be other techniques, but at present to my knowledge nobody has any big exploitation

of the oil shales. The one that got the most publicity was this experiment by the Shell Oil Company, and they have indicated it would be several years before they can determine whether \$60 a barrel is even feasible to get that oil.

The next one here is coal, and we will put another chart up in front of this one, because we hear a lot about coal. And you may hear it said that we have 250 years, 500 years of coal. We don't have 500 years, but we do have 250 years of coal at current use rates. Be very careful when people are telling you how much we have of some resource. If it is at current use rates, you have to factor in how long it will last you if you have an increased use rate.

After the development of atomic energy, and the world was amazed by that, Dr. Albert Einstein was asked: What will be the next great energy source in the world? And he said the most powerful force in the world was the power of compound interest.

And when you look at exponential growth, if you increase the use of coal just 2 percent, and I submit that we will have to dig into coal much more than just 2 percent increase per year over what we now use, but if it is only 2 percent, that 250 years immediately shrinks to about 85 years; and then you can't fill your trunk with coal and go down the roads. You have to convert it to a gas or liquid. And, by the way, we have been doing this for decades. Hitler ran his whole military and his whole country on oil from coal. When I was a little kid, the lamps that you now call a kerosene lamp we called coal oil lamp because it was coal oil that replaced whale oil in the lamps, and long after we were using kerosene I still called it coal oil.

But if you use some of the energy from the coal to convert the rest of the coal into a gas or a liquid, now you are down to 50 years with just 2 percent growth rate. And there is something else to look at. Because oil is fungible and moves on a world market, and it really doesn't matter in today's world who owns the oil, the guy who bids the highest gets the oil. It all moves on a global marketplace. And since we use one-fourth of the world's oil, our 50-year supply at only 2 percent growth rate will last the world just one-fourth of 50, or 12½ years.

So the coal is there. It is the most readily developed, unconventional fossil fuel energy source, and we need to husband it. But it is dirty. You will pay an environmental penalty if you use it without cleaning it up, or you will pay a big economic penalty if you clean it up.

Let's go back to the original chart we were looking at. And the previous speakers talked about nuclear, and indeed today we produce about 20 percent of our electricity, 8 percent of our total energy from nuclear. We could and maybe should do more. There is no en-

ergy source that is without its drawbacks. When you burn any fossil fuel, you release CO₂ into the atmosphere and that produces greenhouse effects, which might very well produce global warming. There are potential drawbacks to nuclear, but so are there drawbacks to not having enough energy for your civilization.

There are three ways in which we can get energy from nuclear materials. One of them is the lightwater reactor, which is the only kind of reactor that we have in our country that uses fissionable uranium, and there is not an inexhaustible amount of fissionable uranium in the world.

And one of the big problems in this whole dialogue is agreement on what the facts are. When I ask how much fissionable uranium remains in the world, and I guess you have to say at current use rates, I get numbers that range from 15 years to 100 years. We desperately need an honest broker to help us agree as to what the facts are so that we can have a meaningful dialogue.

I have thought a lot about this, and perhaps the National Academy of Sciences, which is highly respected and very knowledgeable, would be this honest broker. Because when we sit at the table discussing where we are and where we need to go, you can't have a rational discussion without agreeing on the facts. But nobody disagrees that there is an inexhaustible supply of fissionable uranium. So obviously at some point in a few years, or a few more years with building more nuclear power plants, and China wants to build a lot more nuclear power plants, we will run out of fissionable uranium.

And then we will have to move to the second type of energy released with nuclear fission, and that is the breeder reactor. The only breeder reactors we ever had were those that were used for producing nuclear weapons. France produces about 80 percent, 85 percent of its electricity from nuclears, and they have some breeder reactors. The breeder reactor does what its name implies, it breeds fuel, so you now will have essentially a replaceable and therefore inexhaustible amount of fuel.

But there are problems that go with the breeder reactor. It has waste products that you have to somehow store away for maybe one-quarter of a million years. Now, we have only 5,000 years of recorded history. It is hard for us to imagine one-quarter of a million years. Something that is so hot that I have to store it away somewhere for one-quarter of a million years I think ought to have enough energy in it that we ought to be able to do something productive with that energy. As a matter of fact, the usual nuclear power plant gets only a tiny percentage of all the potential energy out of the nucleus.

So I would like to challenge our engineers to look at a way to make something good out of what is now a big problem when you have breeder reactors, and that is a byproduct that you

need to store away for very long time periods.

The second type of nuclear energy release is what is called fusion. And we have a great fusion reactor; it is called our Sun, which is a mediocre star over near one end of the Milky Way. By the way, if you go someplace where the air is not so polluted and you look up at night, you can see across the sky that great Milky Way. It looks like you have taken a brush across the sky. There are just billions and billions of stars out there.

□ 2200

All of the stars are the equivalent of our sun, by the way. Nuclear fusion, power plants, if you will, and we are kind of a mediocre one near one end of the Milky Way.

We invest about \$250 million a year in nuclear fusion. I happily support that. I wish there was a technology out there to and a technologist to use more money. I would happily vote for that. But if you think that we are going to solve our energy problems with nuclear fusion, you probably have some confidence you are going to solve your personal economic problems by winning the lottery. The gamble is about the same.

I think there are huge, huge engineering challenges with nuclear fusion. We have been working for many years, and we are always about 20-30 years away from a solution. We have been 20-30 years away from a solution for the last 20-30 years. We may get there. But it is not the kind of thing that you would want to bet the ranch on. By the way, we are home free if we get that. That would be an inexhaustible source of energy, essentially pollution free except for thermal pollution.

I would like to talk about thermal pollution in our power plants. We have had the luxury in this rich country we live in to put our nuclear power plants away from where we live, and the heat energy that comes out of them, we dissipate. If you drive, you see the big cooling towers for the nuclear power plants. What we are doing is we are evaporating drinking water to cool these power plants.

Almost everywhere else in the world, whether it is nuclear or coal, no matter what it is, unless it is hydro, then it is where the water is, but every other power plant is pretty much in the city right where people live, and they use the heat from that for what they call district heating. They pipe it to homes and businesses, and they use it in the wintertime to heat. In the summertime, you can use the heat to cool by the ammonia refrigeration, ammonia cycle refrigeration system, which used to be very popular in this country. But now you have to buy one from Argentina if you want one, for some reason. They have no moving parts and last a very long time. You can get cooling out of heat. So you can both heat and air conditioning with the excess heat from these power plants if you simply sited them nearer where people live.

Once you have used these finite resources, and they are finite, except for the nuclear that we have discussed. The others are finite. They will not last forever, then we will have only the true renewables left. They are such things as solar and wind and geothermal. This is true geothermal.

You may have people talk to you about geothermal and they are talking about connecting your heat pump to the earth or a well. What you are doing with your heat pump in the summertime, your air conditioner is really trying to heat up the outside air, that is how it cools the inside. And in the wintertime, your heat pump is keeping you warm by trying to cool down the outside air.

If you are working against groundwater, and here it is about 56 degrees, groundwater looks very cool in the summertime, and it looks very warm in the wintertime. I remember as a little boy we had a springhouse on our farm, and that is where our food was kept cool. I used to wonder how does that happen.

In the summertime I went into the springhouse and it was so cool. And in the wintertime, it felt so warm. Of course it was essentially the same temperature. But in contrast with the hot summer air it felt cool, and in contrast with the cold winter air it felt warm.

True geothermal is where we are connected to the heat from the molten core of the Earth. If you have been to Iceland, there is not a chimney in all of Iceland because they have geothermal and they get all of their heat sources from that.

Several places in our country we can tap that, and wherever we can we should. It is not really inexhaustible. The molten core of the Earth will not be there forever, but it will be there for millions and millions of years, so from our perspective that is an inexhaustible source of heat so we include it under renewables.

Then we have a number of sources of energy from the oceans. There is huge potential from the oceans. The tides, and by the way, the tides are one of the few energy sources that are not either the direct or indirect result of the sun. All of the fossil fuels that we are burning, gas and oil, and all of these tar, sands and oil shale were all produced by organic material that grew because the sun was shining a very long time ago.

I knew that when I was a little boy for coal because we lived on a farm in western Pennsylvania, and there was a coal mine on our farm. There had been a cave-in and they simply took the mules and the people out an air shaft that had a walkout slope, and so there was still some coal left. There was not enough to open the mine, but we partnered with a miner from the local town but he opened the mine and they dug coal with a pick and a shovel and a wheelbarrow. So we had what was called run-a-mine coal. We had a coal furnace, as did everybody in western

Pennsylvania. Some of the lumps were too big to get in the furnace. Leaning against the cellar wall was a sledge hammer. If the lump was too big, you would break it. I remember breaking those lumps of coal and they would break open and there would be the imprint of a fern leaf. I still get a chill when I think about that.

Here I am looking at something that grew who knew how many eons ago. So I knew very well where coal came from, it came from vegetation that had fallen and was overlaid with Earth.

You can see coal in the process of production, by the way, in the bogs of England. It is not yet coal but it is on the way to coal. And if you take it out, it will burn.

The sun produces most of the energy that you can get from the oceans. It produces thermal gradients. It produces the waves. How does it do that, by producing wind. The wind is the result of the differential heating of the Earth, and that therefore is sun driven.

There is one big potential source of energy in the ocean that is not sun generated, and that is the tides. They are generated by the gravitational pull of the Moon, which lifts the whole ocean 2 to 3 feet.

Can you imagine the incredible amount of energy it takes to lift three-fourths of the earth's surface 2 or 3 feet a day. We have tried to get meaningful energy from the tides without a whole lot of success, and it is simply because they are so disperse. There is an old axiom, energy or power to be effective must be concentrated, and the tides are anything but concentrated. They are spread over huge, huge expanses.

We get some meaningful energy from the tides in the fjords where because of funneling effects you may have a 60-foot tide. You let it come in and then you wall it off and let it flow out through a generator when the tide goes out.

There is another potential source of energy from the oceans, it is not really oceans but you find most of it there, and that is gas hydrates. There is more potential energy in the gas hydrates I understand than in all of the fossil fuels in all of the Earth, but we have been singularly unsuccessful in trying to collect those little nodules of gas hydrates and get the energy from them because they are dispersed largely on the ocean bottom over enormous expanses of the ocean. Well, these are all challenges. And one day when energy becomes less and less available from fossil fuels and more and more expensive, some of these other sources will be more exploitable.

And then the agricultural resource, and let me put the next chart up here.

I would like to start on the left-hand side of this because it really shows us where we are and the challenges we face. We are very much like the young couple whose grandparents have died and left them a pretty big inheritance, and so they have established a lifestyle, pretty lavish life-style where 85

percent of the money they spend comes from their grandparents' inheritance and only 15 percent, some people will say 14, 15 percent comes from their income. They look at how old they are and how much they are spending, gee, it is going to run out before they die, before they retire, as a matter of fact. So they obviously have to do one of two things, or both: They have to make more money or spend less money. That is pretty much where we are with energy.

Three-fourths of all of the energy that we use comes from fossil fuels: Petroleum, natural gas, and coal.

Only 15 percent of it comes from something other than fossil fuels. Eight percent comes from nuclear power, and that is 8 percent of our total energy. Nuclear power represents 20 percent of our electricity. If you don't like nuclear power, imagine when you go home tonight that every fifth business and every fifth home doesn't have any electricity because that's what the picture would be if we didn't have nuclear power. So 8 percent. And this is data from 2000. It is a little different because we have been trying to do something since then.

Seven percent of the energy represents the true renewables, like solar and wood and waste and wind, conventional hydro. Agriculture, here we have alcohol fuel and then the geothermal that we talked about where you are truly tapping into the heat from the molten core of the Earth.

These numbers would have to be a little bigger now, but they would have to be a lot bigger to be relevant because in 2000, solar was 0.07 percent. That is trifling. It has been growing at 30 percent a year so it is several times larger than it was in 2000. But still, it is minuscule compared to the 21 million barrels of oil that we use per day.

And 38 percent of this comes from wood and that's largely the paper and timber industry burning waste product.

Then a very interesting one, waste to energy. A lot of people look at the incredible amount of waste we have and say if we could just burn that waste, we could get a lot of energy from that. That's true.

As you go up into Montgomery County, they have a very nice one, I would be proud to have it beside my church. You don't even know it is a waste to energy power plant. It is a nice looking building and the train or the truck comes in and the waste is all in containers and you don't even see it.

But let me remind you that almost all of this waste is the result of profligate use of fossil fuel energy. What you are really doing when you burn that waste to produce electricity is you are kind of burning secondhand fossil fuels because that's what was used to produce this waste. In an energy deficient world, there will be far, far less waste because waste is a by-product of large energy use, and in an energy-deficient world we would be using nowhere near as much energy.

Wind. Wind is really growing. Our previous hour talked about wind. The wind machines today are huge. You may see the blades for them go down the highway. They may be 60 feet long, as big as an airplane wing. They are huge, and produce megawatts of electricity. They are producing them at about 2.5 cents a kilowatt hour.

By the way, because we did not have the proper incentives in our country, we have now forfeited the manufacture of this product. Almost all I understand of the new big what I think are handsome wind machines are made overseas. Most are made in Denmark.

The cheapest electricity costs several times the 2.5 cents a kilowatt hour, so wind machines are now really competitive with other ways of producing electricity.

There are a lot of siting problems, a lot of nimby kinds of reactions. That is, not in my backyard. My wife says these are really bananas, build absolutely nothing anywhere near anybody, she says is the attitude of many of these people.

You know, pretty is as pretty does, and if your alternative is shivering in the dark in an energy deficient fossil fuel world, that may be what we are coming to, and wind machines may start to look a whole lot better. I know some people who live along the coast would mind wind machines if they couldn't see them, so they are trying to site them out in the ocean beyond the horizon so they won't see the wind machines.

□ 2215

Conventional hydroelectric. You see, that is the biggest sector of these renewables. We have about maxed out on that. We have dammed every river we should have dammed and maybe some we shouldn't. The migratory path of fishes, and I saw a big article the other day about eels, we are now building some ladders so that eels, which are snake-like fish, can get back to their spawning grounds, but there is a huge potential, I understand, maybe as big as that, from something called microhydro. And that is using the water flow and drop in small streams. And there you can use it without the big impacts on the environment that you have when you dam up a big river.

By the way, if you have dammed that river up for water for a downstream city, that will become less and less effective as it gradually fills in with silt, and it will. And by and by, who knows how many years later, there will be little water there because it will be mostly filled with silt that came down from further up in the watershed.

If you are just interested in electricity, it still, when it comes over the dam, falls the same distance. So that silting in won't really effect how much electricity you can produce, but it will affect how much you can vary the height of the reservoir so as to always maintain some reserve for producing the electricity.

I would like to spend a few moments talking about energy from agriculture. There is an awful lot of hype about energy from agriculture. I read the other day, and I don't know why it took us so long to find this, but in 1957, 50 years ago this year, Hyman Rickover, the father of the nuclear submarine, gave a talk to a group of physicians. It is an incredible speech. He was so prophetic. He understood that gas and oil were not forever. That, I think, is obvious.

Maybe it is because I am a scientist, but probably 40 years ago I started asking myself the question, you know, since gas and oil obviously are finite, they are not infinite, they will not last forever, at what point do we need to start being concerned about what is left? Is it a year, 10 years, 100 years, 1,000 years? I didn't know when I first started asking this question. But I knew that at some point in time the world would have to start thinking about, gee, what do we do when gas and oil and coal are gone? Because one day gas and oil and coal will be gone.

So there is a lot of hype about energy from agriculture. But Hyman Rickover, very, very astutely observed that as our population increased, the ground would be more used for producing food than it would be something you burned or fermented. And he also noted, talking about biomass, that biomass might be more valuable returning it to the soil so that you still had soil rather than taking it off to either burn or ferment.

We will get some energy from agriculture, but every bit of corn you use to make ethanol is corn that is not used as a food. We are well fed in this country, many of us more than well fed, but tonight, about 20 percent of the world will go to bed hungry. But as our population continues to increase, there will be less and less opportunity to use agriculture products for energy rather than food.

By the way, there is one way we could free up a lot of agricultural products for energy. If you will eat the corn and the soybeans rather than the pig and the cow that ate the corn and the soybeans, then you could free up a lot of corn for ethanol and soybeans for biodiesel. The animal breeder may brag he has a pig or a chicken that is so efficient that three pounds of corn will make one pound of pig. That is true. But that is three pounds of dry corn and one pound of wet pig; maybe 90 percent dry matter in the corn and for sure 70 percent water in the pig. And you can't eat his bones.

And so on a dry matter to dry matter basis, it takes at least 10 pounds of dry matter in corn to make one pound of dry matter in the pig or the chicken, and probably 20 in the steer. You get very much more efficient conversion of these grains and beans into good food if you use milk.

A cow will today produce 20,000 pounds of milk in a year with a ton of dry matter. She doesn't weigh a ton, but you have a ton of dry matter in her

milk for the year, which has very high food value. There is no protein that is as good as milk protein. We determine the quality of protein by feeding young rats. It may not be complimentary that the animal has dietary requirements nearer us than any other, rats, but they do. And they are also omnivorous. And we determine how good their protein is by how fast young rats grow.

If you assign a value of 100 to milk protein, eggs come in at about 96, and the meats on down. And that shouldn't surprise you. God or nature, or whoever you think did it, obviously designed milk to grow young animals. A 100-pound sheep will put a pound each on twin lambs just from her milk. Enormously efficient. And eggs are very efficiently produced compared to producing the chicken that you eat.

So we can free up a lot of these food crops for energy if we will simply eat the food crops rather than processing them through animals.

The next chart shows one of the challenges in producing ethanol. Indeed, there are some scientists who believe that we use more energy in producing ethanol, more fossil fuel energy in producing ethanol than we get out of it. I hope they are wrong. I believe that it can be possible. But even after you have made the ethanol, you still have all of the protein and all of the fat left in the corn, and that is pretty good feed.

Just an observation about what we eat and give to our animals. If you go to the Orient, the main protein source there for people is what is called tofu, and that is soybean protein. In this country, we take the soybean and we express the oil, which is the least valuable nutritionally, and we use the oil and we feed what is left of it to our pigs and chickens. No wonder that they are healthier than many of us.

Here is a little comparison of the energy inputs in producing ethanol and in producing gasoline. Obviously, you expend some energy. You don't get all the energy from the oil in your gas tank. You expend some of that in drilling it, in pumping it, transporting it, refining it and hauling it to the service station, and so forth. So you use 1.23 million Btu's to get 1 million Btu's.

Well, what is the story with corn? Now, you have a lot of free energy with corn. You have the solar energy, the photosynthesis that makes the corn grow. And this is about as good as it is going to get. To get 1 million Btu's of energy out of corn, you are going to have to spend about three-fourths of a million Btus in growing the corn, harvesting it, processing the ethanol, and so forth.

Down at the bottom here is a very interesting pie chart, and it shows something that very few people know, and that is that almost half the energy that goes into producing corn comes from nitrogen fertilizer, which is now made from natural gas. So this is a fossil fuel input. This is all fossil fuel input, by the way.

You just go around this little pie here and you are talking about mining the potash, and mining the phosphate, and mining the lime that makes the soil sweeter so that the nutrients can be absorbed. The diesel fuel in the tractor, the gasoline, the liquid propane gas, the electricity you use is produced by fossil fuels. The natural gas you use for drying your crops, for instance, the custom work, the guy you hire to come.

And then all of the chemicals, something that we rarely, rarely reflect on. Gas and oil are huge feedstocks for a very important petrochemical industry. Most of our insecticides, most of our herbicides and so forth are made from gas and oil. And this is the contribution they make to growing corn. It is really, really quite large there, isn't it?

I have been told that 13 percent of our corn crop would displace 2 percent of our gasoline. But the only fair way to look at the contribution ethanol can make is to grow corn with energy from corn, and you can do that. But if you grow corn with energy from corn, to get a bushel of corn to use here, you have to use three bushels of corn. Remember, the 750,000 Btu inputs to get a million? You need three bushels going in to get one out, which means that it is one to four. You only get a fourth of it out, which means that you are going to have to use 52 percent of your corn crop to displace just 2 percent of our gasoline.

So when you are hearing the euphemistic projections of how much of our gasoline we are going to displace with ethanol, just remember these numbers.

Now, some people are even more enthusiastic about what is called cellulosic ethanol. Cellulose and lignin, particularly cellulose, we can't digest. It is made up of a whole long string of glucose molecules, which is a simple sugar; half of what we call sucrose, which is a double sugar disaccharide. But they are so tightly bound together, we don't have any enzymes in our gut which will release them. And neither does any other animal, by the way.

So, gee, you might say, how do cows, sheep, goats, horses, and guinea pigs make do eating grass and hay? They make do because they have in their gut what are called comincils, animals or little critters that live in there, some of them multi-cellular, some single cells, that have chemicals, enzymes that can split the cellulose into the requisite glucose molecules and then the host simply absorbs those.

We are now able to bioengineer some little organisms that can do that. So now, when you look at the huge piles of beet pulp, look at the corn fields with all the corn fodder out there, people are saying, gee, look how much energy we could get from this agricultural waste. You can get it by burning it, or you can use it by making cellulosic ethanol from it. But, you know, topsoil is topsoil because it has organic material. It gives it tilth. Why does it have

to be there? Because without the organic material, the soils can't hold the nutrients and they can't hold the water necessary for growing things. You can't grow plants in stone dust and you can't grow plants in sand. So you have to have organic material there. For a few years, we might be able to mine the organic material and still grow some crops, but there will be diminishing returns. I don't know steady state how much we can take.

Some people are euphemistic about how much we are going to get from sawgrass, prairie grass. They see it growing in huge amounts. But I suspect this year's prairie grass is growing because last year's prairie grass died and is fertilizing it. Now, we certainly can get something from this biomass, from agricultural waste and from growing trees and so forth, but it will not be enormous.

Let me give you some idea of what the challenge is. We use 21 million barrels of oil a day. Each barrel of oil has the energy equivalent of 12 people working all year. Hyman Rickover used data which showed the average family in 1957 used fossil fuel energy resulting in the equivalent of having 33, he said, full-time servants.

□ 2230

If you have some trouble getting your mind around this one barrel of oil and 12 people working all year, and by the way, that is costing you less than \$10 per person per year, think how far a gallon of gasoline or diesel fuel, I appreciate the chart from the previous hour which showed how cheap oil was. It costs considerable less than water in the grocery store, by the way. But think how far that gallon of gasoline or diesel fuel carries your car and how long it would take you to pull the car there. And that gives you some idea of the challenge we face.

Another little example: if you are a strong man and work hard all day long, I will get more work out of an electric motor for less than 25 cents' worth of electricity. Now, that may be humbling to recognize that you are worth less than 25 cents a day in terms of fossil fuel energy, but that is the reality.

There are two publications. We have only a few moments remaining. I want to go quickly through some slides here. We have two major studies, one of them is a Corps of Engineers study and these first few slides will be from their study. The second one is the big SAIC study, commonly known as the Hirsch Report. I just want to read quickly some of the things they said. These are paid for by our government. They are out there. You may be asking the question, Gee, why aren't people talking about this and why aren't we doing something about it? Good question.

This is from the Corps of Engineers: the current price of oil is in the 45 to 57 per barrel range and is expected to stay in that range for several years. When they wrote this, by the way, it was about 65. Oil prices may go significantly higher, and some have predicted

prices ranging up to \$180 a barrel in a few years.

Oil is the most important form of energy in the world today. Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as the front line energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then. And then this quote: In general, all non-renewable resources follow a natural supply curve, getting more and more till you reach a peak and then falling down the other side. And they are concurring, a careful estimate of all the estimates lead to the conclusion that world oil production may peak within a few short years, after which it will decline. Once peak oil occurs, then the historic patterns of world oil demand and price cycles will cease.

And the last one from this source: Petroleum experts indicate that peaking is either present or imminent; will occur around 2005.

And now some charts from the Hirsch Report. This is very widely publicized. They concluded that we would have unprecedented risk management problems as we face the problem of transitioning from declining quantities of gas and oil and moving to alternatives. The economic, social, and political costs will be unprecedented. And then they state, We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules. They said we should have started 20 years before peaking. If it is here, we are 20 years too late, aren't we?

And then this quote: The world has never faced a problem like this. There is a third report out there and that is by the Cambridge Energy Research Associates, and they believe that peaking will occur sometime in the future. And they present this little chart. This shows Hubbert's peak here, by the way, and because the actual data points didn't exactly follow his prediction, they are saying that you can't rely on his analysis. The little peak here, by the way, and the next chart will show us, that is from the Alaska oil find. Just a blip and the slide down the other side of Hubbert's peak.

And then in the couple of minutes remaining to us, the last slide we will have a chance to look at here. And this shows several predictions, depending upon whether you think the world will find enormously more oil than we now have found. And I will tell you that most of the experts that I have talked to believe we have found 95 percent of all the oil we will ever find. That is this curve. If you think we are going to double the amount of oil that we have now found, then that is this curve. And the one on top here, and by the way, they say that they don't believe in peaking, but they present this curve which shows peaking. This is unconventional oil.

Make up your own mind how much of that we are going to get, remembering the discussion we had earlier of the difficulty of getting this oil.

Mr. Speaker, we in the world face a huge challenge. I just returned from China. They are talking about post oil. They get it. I wish we did.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today until 1:00 p.m.

Mr. RAMSTAD (at the request of Mr. BOEHNER) for today until 2:00 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any Special Orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFazio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Ms. FOXX, for 5 minutes, today and January 19, 22, 23, 24, and 25.

Mr. GILCHREST, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, January 22, 23, and 24.

Mr. HULSHOF, for 5 minutes, today.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Friday, January 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

318. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's

final rule — Fluthiacet-methyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0788; FRL-8108-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

319. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Zeta-Cypermethrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0769; FRL-8093-6] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

320. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update to Materials Incorporated by Reference [PA200-4201; FRL-8249-6] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

321. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Amendment to Tier 2 Vehicle Emission Standards and Gasoline Sulfur Requirements: Partial Exemption for U.S. Pacific Island Territories [EPA-HQ-OAR-2006-0363; FRL-8263-4] (RIN: 2060-AN66) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

322. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; PM-10 Test Methods [EPA-R03-OAR-2006-0904; FRL-8264-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

323. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Requests for Rescission [EPA-R09-OAR-0590; FRL-8260-1] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

324. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2004-TN-0004, EPA-R04-OAR-2005-TN-0009, EPA-R04-OAR-2006-0532, 200607/17(a); FRL-8256-6] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

325. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2006-0577-20062 (a); FRL-8265-4] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

326. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan [EPA-R04-OAR-2005-TN-0009, EPA-R04-OAR-2006-0471, EPA-R04-OAR-2006-0532, 2006014(a); FRL-8265-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

327. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories From Oil and Natural Gas Production Facilities [EPA-HQ-OAR-2004-0238; FRL-8254-1] (RIN: 2060-AM16) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

328. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair (Surface Coating) Operations [EPA-HQ-OAR-2004-0357; FRL-8264-2] (RIN: 2060-AO03) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

329. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the East St. Louis, Illinois Ozone Nonattainment Area [EPA-HQ-OAR-2006-0841; FRL-8261-9] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

330. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and South Coast Air Quality Management District [EPA-R09-OAR-2006-0876; FRL-8258-8] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

331. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [EPA-R09-OAR-2005-CA-0011, FRL-8289-9] received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

332. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions [Docket No. OW-2004-0001; FRL-8261-7] (RIN: 2040-AD93) received December 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on January 2, 2007]

Mr. BARTON of Texas: Committee on Energy and Commerce. Report on the Activity of the Committee on Energy and Commerce for the 109th Congress (Rept. 109-751). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GORDON:

H.R. 547. A bill to facilitate the development of markets for alternative fuels and Ultra Low Sulfur Diesel fuel through re-

search, development, and demonstration and data collection; to the Committee on Science and Technology.

By Mr. DEFAZIO (for himself, Mr. MICHAUD, Mr. ALLEN, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Ms. KAPTUR, Mr. WELCH of Vermont, Mr. COSTELLO, Ms. SUTTON, Mr. HINCHEY, Mr. HALL of New York, Mr. LIPINSKI, Mr. MELANCON, Mr. WU, and Mrs. TAUSCHER):

H.R. 548. A bill to establish a Congressional Trade Office; to the Committee on Ways and Means.

By Mr. CAMP of Michigan (for himself, Mr. TANNER, and Ms. PRYCE of Ohio):

H.R. 549. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. McNULTY (for himself and Mr. CAMP of Michigan):

H.R. 550. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. HERGER, Ms. ZOE LOFGREN of California, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Mr. CARDOZA, Ms. MATSUI, Mr. FARR, Mrs. TAUSCHER, Mr. MCNERNEY, Mr. SCHIFF, Mr. HONDA, Mr. COSTA, Mr. FILNER, Mr. BILBRAY, Mr. CALVERT, Mr. WAXMAN, Mr. BERMAN, and Mr. LANTOS):

H.R. 551. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself and Mr. PICKERING):

H.R. 552. A bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. GUTIERREZ, Mr. LEVIN, Ms. KAPTUR, Mr. MCCOTTER, Mr. PETRI, Mr. HOEKSTRA, Mr. HIGGINS, Mr. LIPINSKI, Mr. DINGELL, Mr. KIRK, Mr. WALSH of New York, Ms. SLAUGHTER, Mr. KILDEE, Mr. CAMP of Michigan, Mr. CONYERS, Ms. SUTTON, Mr. STUPAK, Mrs. MILLER of Michigan, Mr. REYNOLDS, Mr. UPTON, Mr. EMANUEL, and Mr. McHUGH):

H.R. 553. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers; to the Committee on Transportation and Infrastructure.

By Mr. McGOVERN (for himself and Mr. RENZI):

H.R. 554. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. BOUCHER, Mr. GUTIERREZ, Mr. WYNN, Mr. TOWNS, Mr. CLEAVER, and Mr. CUMMINGS):

H.R. 555. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules regulating inmate telephone service rates; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Ms. PRYCE of Ohio, Mr. CROWLEY, Mr. BLUNT, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. GUTIERREZ, Mr. PAUL, Mr. ACKERMAN, Mr. BAKER, Ms. BEAN, Mrs. BIGGERT, Mr. CLEAVER, Mr. CUMMINGS, Mr. FOSSELLA, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. AL GREEN of Texas, Mr. HINOJOSA, Ms. HOOLEY, Mr. KING of New York, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LYNCH, Mr. MANZULLO, Mr. MCCOTTER, Mr. MEEKS of New York, Mr. GARY G. MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mrs. MYRICK, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SCOTT of Georgia, Mr. SMITH of Texas, Mr. REICHERT, and Ms. WATSON):

H.R. 556. A bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 557. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business.

By Mr. DAVIS of Alabama (for himself, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. CLAY, Mr. MOORE of Kansas, and Mr. COHEN):

H.R. 558. A bill to provide relief for African-American farmers filing claims in the cases of Pigford v. Veneman and Brewington v. Veneman; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Ms. HERSETH, and Mr. INSLEE):

H.R. 559. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 560. A bill to establish a pilot program to eliminate certain restrictions on eligible certified development companies; to the Committee on Small Business.

By Mr. ENGLISH of Pennsylvania:

H.R. 561. A bill to expand visa waiver program to countries on a probationary basis, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. POMEROY):

H.R. 562. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare Program; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. POE, Mr. JONES of North Carolina, Mr. TANCREDO, Mr. ROHRBACHER, Mr. GOODE, Mr. BURTON of Indiana, Mrs. MUSGRAVE, Mr. ROYCE, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. HERGER, Mr. COLE of Oklahoma, Mr. BARRETT of South Carolina, Mr. CARTER, Mr. PORTER, Mr. MCCOTTER, Mr. BURGESS, Mr. GERLACH, Mr. MICA, Mr. SAXTON, Mr. DAVIS of Kentucky, Mr. SESSIONS, Mr. CANTOR, Mr. HOBSON, Mr. LAHOOD, Mr. WALSH of New York, Mr. TERRY, Ms. FOX, Mr. HASTINGS of Washington, Mr. WELDON of Florida, Mr. BISHOP of Utah, Mr. KIRK, Mr. ROGERS of Alabama, Mrs. MYRICK, Mr. STEARNS, Mr. RENZI, Mr. BONNER, Mr. BAKER, Mr. PETERSON of Pennsylvania, Mr. EVERETT, Mr. CANNON, Mrs. CUBIN, Mr. SHADEGG, Mr. SHIMKUS, Mr. COBLE, Mr. ENGLISH of Pennsylvania, Mr. GILCREST, Mr. HAYES, Mr. LEWIS of Kentucky, Mr. ROGERS of Tennessee, Mr. DAVID DAVIS of Tennessee, Mr. PEARCE, Mr. GINGREY, Mr. GARY G. MILLER of California, Mr. LOBIONDO, Mr. TIBERI, Mr. WHITFIELD, Mr. LATOURETTE, Mr. YOUNG of Florida, Mrs. BLACKBURN, Mr. PITTS, Mr. SMITH of New Jersey, Mr. SULLIVAN, Mr. MANZULLO, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. MCKEON, Mr. AKIN, Mr. KINGSTON, and Mr. TIAHRT):

H.R. 563. A bill to vacate further proceedings in the prosecution of certain named persons; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 564. A bill to amend the Small Business Act to ensure that when a small business participating in the 8(a) business development program is affected by a catastrophic incident, the period in which it can participate is extended by 18 months; to the Committee on Small Business.

By Mr. JEFFERSON:

H.R. 565. A bill to amend the Small Business Act to improve the availability of disaster loans to individuals and businesses affected by catastrophic incidents; to the Committee on Small Business.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. JEFFERSON, Mr. PAYNE, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. EDWARDS, and Mr. WYNN):

H.R. 566. A bill to waive the time limitations specified by law for the award of certain military decorations in order to allow the posthumous award of the Medal of Honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. YOUNG of Alaska, Mr. LAMPSON, Mr. MOORE of Kansas, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. FRANK of Massachusetts, Ms. LEE, Ms. HIRONO, Mr. ORTIZ, Mr. BERMAN, Mr. HARE, Mr. POMEROY, Mrs. CAPITO, Mr.

RANGEL, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. COHEN, Ms. SCHAKOWSKY, Mr. FORTENBERRY, Ms. HARMAN, Mr. MILLER of Florida, Mr. CUELLAR, Mr. LEWIS of Kentucky, Mr. McCAUL of Texas, Mr. HINOJOSA, and Mr. BISHOP of New York):

H.R. 567. A bill to ensure Pell Grant eligibility for any student whose parent or guardian died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; to the Committee on Education and Labor.

By Mr. MATHESON (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. FRANK of Massachusetts, Mr. DAVIS of Kentucky, Ms. WATERS, Mrs. BIGGERT, and Mr. GARY G. MILLER of California):

H.R. 568. A bill to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. CAMP of Michigan, and Mr. CAPUANO):

H.R. 569. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Michigan (for himself, Mr. FOSSELLA, Mr. McCAUL of Texas, Mr. HAYES, Mr. SHIMKUS, Mr. EHLERS, Mr. KNOLLENBERG, and Mr. MCCOTTER):

H.R. 570. A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Commerce.

By Mr. TANCREDO:

H.R. 571. A bill to require additional tariffs be imposed on products of any nonmarket economy country until the President certifies to the Congress that the country is a market economy country, and to direct the Secretary of the Treasury to deposit the amounts generated from those tariffs into the Social Security trust funds; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 572. A bill to establish the Comprehensive Immigration Reform Commission; to the Committee on the Judiciary.

By Mr. VISCLOSKY:

H.R. 573. A bill to amend the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Natural Resources.

By Mr. WHITFIELD:

H.R. 574. A bill to ensure the safety of residents and visitors to Lake Barkley, Kentucky, and to improve recreation, navigation, and the economic vitality of the lake's region, the Army Corps of Engineers, together with any other Federal agency that has the authority to change the pool elevation of such lake, shall establish a pilot program to maintain the pool elevation of such lake at 359 feet until after the first Monday in September; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States to establish English as the official language of the United States; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. DAVIS of Illi-

nois, Mr. RANGEL, Mr. GORDON, Mr. COSTELLO, Mr. ROHRBACHER, Ms. NORTON, Mr. EHLERS, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. HOLT, and Ms. MATSUI):

H. Con. Res. 34. Concurrent resolution honoring the life of Percy Lavon Julian, a pioneer in the field of organic chemistry research and development and the first and only African American chemist to be inducted into the National Academy of Sciences; to the Committee on Science and Technology.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Ms. WATERS, Mr. TOWNS, and Ms. KILPATRICK):

H. Con. Res. 35. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

By Mr. TANCREDO:

H. Con. Res. 36. Concurrent resolution recognizing the importance of Western civilization; to the Committee on Education and Labor.

By Mr. TANCREDO:

H. Con. Res. 37. Concurrent resolution expressing the sense of Congress with regard to pardoning Border Patrol agents Ignacio Ramos and Jose Compean; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. SCHIFF, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. CLAY, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. McDERMOTT, Mr. DOYLE, Mr. HONDA, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mrs. CAPPS, Ms. KAPTUR, Mr. SERRANO, Mr. ORTIZ, Mrs. NAPOLITANO, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. FILNER, Mr. DINGELL, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. VELAZQUEZ, Mr. SALAZAR, Mr. RODRIGUEZ, Mr. PASTOR, Mr. CUELLAR, Mr. HINOJOSA, Ms. LINDA T. SANCHEZ of California, Ms. LEE, Mr. SIREs, and Mr. REYES):

H. Res. 76. A resolution urging the establishment and observation of a legal public holiday in honor of Cesar E. Chavez; to the Committee on Oversight and Government Reform.

By Mr. REHBERG:

H. Res. 77. A resolution amending the Rules of the House of Representatives to establish the Committee on Indian Affairs; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GENE GREEN of Texas introduced a bill (H.R. 575) for the relief of Enrique Soriano, Cleotilde Soriano, and Areli Soriano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, and Mr. WEINER.

H.R. 14: Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. GARRETT of New Jersey, Mr. MCKEON, Mr. MILLER of Florida, and Mr. COBLE.

H.R. 16: Mr. PAYNE.

H.R. 22: Mr. CALVERT and Mr. BROWN of South Carolina.

H.R. 25: Mr. MORAN of Kansas.

H.R. 65: Mr. HINOJOSA, Ms. WOOLSEY, Mr. SHUSTER, Mr. LEWIS of Kentucky, Mr. CHANDLER, and Mr. HIGGINS.

H.R. 83: Mr. MCCOTTER.

H.R. 89: Mrs. DAVIS of California.

H.R. 101: Mr. STARK and Mr. HASTINGS of Florida.

H.R. 129: Mr. SIRES.

H.R. 130: Mr. SIRES.

H.R. 136: Mr. GARY G. MILLER of California.

H.R. 137: Mr. ANDREWS, Mr. COBLE, Mr. LARSEN of Washington, Mr. MCNERNEY, Mr. BACHUS, and Mr. BRADY of Pennsylvania.

H.R. 161: Mr. GRIJALVA and Mr. GONZALEZ.

H.R. 180: Mr. ALLEN and Mr. MILLER of North Carolina.

H.R. 192: Mr. TERRY.

H.R. 196: Mr. SALAZAR and Mr. LEWIS of Kentucky.

H.R. 206: Mr. GRIJALVA.

H.R. 211: Mr. CAMP of Michigan.

H.R. 237: Mr. PEARCE.

H.R. 278: Mr. RUSH, Mr. INSLEE, Mr. BRALEY of Iowa, Mr. SHIMKUS, and Mr. PETERSON of Pennsylvania.

H.R. 303: Mr. LEWIS of Kentucky and Mrs. DAVIS of California.

H.R. 312: Ms. SHEA-PORTER, Ms. CARSON, Mr. PITTS, and Mr. HINOJOSA.

H.R. 322: Mr. STEARNS.

H.R. 324: Mr. GALLEGLY, Mr. MCCOTTER, Ms. GRANGER, and Mr. PLATTS.

H.R. 327: Mr. ISRAEL, Mr. KAGEN, Mr. KLEIN of Florida, Mr. WALZ of Minnesota, Mr. MCCAUL of Texas, and Ms. CASTOR.

H.R. 336: Mrs. MYRICK.

H.R. 352: Mr. CLEAVER, Ms. WOOLSEY, and Mr. CLAY.

H.R. 353: Mr. WELCH of Vermont.

H.R. 358: Mr. MCCAUL of Texas, Ms. CAS-TOR, and Mr. HINOJOSA.

H.R. 373: Mr. LEWIS of Kentucky and Mr. PRICE of Georgia.

H.R. 374: Mr. LEWIS of Kentucky and Mr. PRICE of Georgia.

H.R. 379: Mr. LEWIS of Kentucky and Mr. PRICE of Georgia.

H.R. 390: Mrs. MALONEY of New York and Mr. LEWIS of Georgia.

H.R. 402: Mr. GONZALEZ, Mr. HAYES, Mr. MILLER of Florida, Mr. MCCAUL of Texas, and Mrs. DRAKE.

H.R. 427: Mrs. BIGGERT, Ms. FALLIN, and Mrs. JO ANN DAVIS of Virginia.

H.R. 433: Mr. PAYNE.

H.R. 435: Mr. CONYERS.

H.R. 439: Ms. CARSON.

H.R. 455: Ms. LEE and Mr. FILNER.

H.R. 463: Mr. BISHOP of New York and Mr. CONYERS.

H.R. 464: Mr. HINCHEY and Mr. PRICE of Georgia.

H.R. 471: Mrs. JO ANN DAVIS of Virginia.

H.R. 488: Mr. CARNEY.

H.R. 489: Mr. MARCHANT, Mr. WESTMORE-LAND, Mr. BROWN of South Carolina, Mr. CAMPBELL of California, Mr. FEENEY, Mr. PRICE of Georgia, Mr. DOOLITTLE, Mr. LAMBORN, and Mr. MCCAUL of Texas.

H.R. 493: Mr. HOYER, Ms. CASTOR, and Mrs. JO ANN DAVIS of Virginia.

H.R. 502: Mr. HINOJOSA, Mr. RODRIGUEZ, and Mr. ORTIZ.

H.R. 508: Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Mr. FARR, Ms. CARSON, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, Mr. STARK, and Mr. ELLISON.

H.R. 544: Mr. HINOJOSA.

H.J. Res. 1: Mr. LATHAM, Mr. EDWARDS, Mr. DENT, Mr. LATOURETTE, Mr. PEARCE, Mr.

POE, Mr. WALBERG, Mr. WHITFIELD, Mr. JORDAN, and Mr. MCINTYRE.

H.J. Res. 14: Mr. MORAN of Virginia.

H.J. Res. 15: Mr. GERLACH.

H.J. Res. 18: Mr. WEXLER, Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. LINDA T. SANCHEZ of California, and Mr. DEFazio.

H. Con. Res. 9: Mr. SCOTT of Georgia and Mr. HONDA.

H. Con. Res. 21: Mr. HOLT, Mr. BERMAN, and Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 33: Mr. OLVER, Ms. HIRONO, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, and Mr. PRICE of North Carolina.

H. Res. 18: Ms. GINNY BROWN-WAITE of Florida and Mr. FORBES.

H. Res. 29: Mr. SNYDER, Mr. WAXMAN, Mr. MARSHALL, Mr. TERRY, Mr. VAN HOLLEN, and Mr. PORTER.

H. Res. 51: Mr. CUELLAR, Mr. SHAYS, Mr. HARE, Mr. GILLMOR, Mr. DOYLE, Mr. KING of New York, Mr. MCCAUL of Texas, and Mr. RUPPERSBERGER.

H. Res. 52: Mr. SMITH of New Jersey.

H. Res. 54: Mr. BISHOP of New York, Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, and Mr. MCHUGH.

H. Res. 59: Mrs. GILLIBRAND and Mr. KUHLMAN of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 47: Ms. MILLENDER-McDONALD.



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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

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No. 10

Senate

The Senate met at 9 a.m. and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain, RADM Harold L. Robinson, deputy chief of Navy chaplains for Reserve matters.

The guest Chaplain offered the following prayer:

Eternal God, keep us always in awe of Your grandeur and Your great love for us. You are creator of heaven and Earth, yet You have created us in Your own image. Though we are creatures of clay and dust, You have shared Your spirit with us. We are conscious, able to distinguish good from evil, virtue from vice, selflessness from selfishness. Though these contend for mastery of our lives and we complain of the struggle, let us recall that Your gift of choice is the grandeur and greatness of our humanity. When we choose well and wisely, the hosts rejoice with the psalmist and declare: You have made us just a little less than divine and crowned us with glory and honor.

We pray today for all Your creatures. May peace and good will obtain among all the inhabitants of all lands, most especially our own. We pray fervently for our great Nation and for all whom the people have set in authority. Guide and bless this Chamber and the Senators who here serve You. May each of them be enlightened with Your wisdom and sustained with Your love.

We pray, too, for those who serve us in harm's way: sailors, soldiers, marines, airmen, and coastguardsmen who willingly sacrifice the protection and comfort of home and family to defend our safety and our security. We pray also for their loved ones left at home, family and friends whose daily vigil is the worry for their warrior's well-being. Eternal God, we pray for warrior and worrier alike. Keep them under the protecting shadow of Your wing.

Dear God, make each of us more worthy messengers of Your will, that together we might make real the ancient dream that justice shall flow down like waters and righteousness like a mighty stream and our world be perfected under Your unchallenged rule.

Eternal God, bless us and protect us. Look favorably upon us and be gracious to us. Take notice of us and grant us the blessing of peace.

And let us join in saying Amen.

PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. KLOBUCHAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 391

Mr. REID. Madam President, it is my understanding that H.R. 391 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 391) to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

PARTY INSTITUTES

Mr. REID. Madam President, many years ago the Congress created the party institutes to do development work across the world, building democratic institutions from Eastern Europe, Asia and Africa, to the Middle East. They have come such a long way in the time since they were created. Their workers serve in extremely tough and very dangerous situations and conditions. JOHN MCCAIN has been chairman of the International Republican Institute, and Madeleine Albright chairs the National Democratic Institute for International Affairs. We appreciate so much the work and service both these institutes perform throughout the world in developing and creating democracies.

I am so sad to report that yesterday in Baghdad a convoy carrying a team of NDI employees was attacked and four NDI employees were killed, including one American. This tragedy is a reminder that we have sacrifices of all kinds being made on behalf of democracy across the world. The Nation mourns the losses that occur in Iraq on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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a daily basis. Yesterday, 170 Iraqis were killed that we know of, 4 Americans. I haven't received the reports this morning on what happened last night. We also mourn for people like these gallant individuals, who were there trying to make the world a better place. Our thoughts go out to the families of these four individuals. Later today, their names will be spread across the RECORD of the U.S. Senate.

ORDER OF PROCEDURE

Mr. REID. Madam President, on the Democratic side, we have six 10-minute speeches. I ask unanimous consent that each Democratic Senator have their full time and, of course, the Republicans would have their full 60 minutes when we complete ours.

Now I ask unanimous consent that Senator SALAZAR be recognized, followed by Senator GREGG, if he is here, Senator CONRAD, Senator BENNETT, Senator DURBIN, and me, in that order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour under the control of the majority leader or his designee and the second hour under the control of the Republican leader or his designee.

The Senator from Colorado is recognized.

OUR WESTERN HEMISPHERE

Mr. SALAZAR. Madam President, just days before the start of the 110th Congress, I had the great honor of traveling to Bolivia, Peru, and Ecuador in South America with our majority leader, HARRY REID, as well as four of my other colleagues: Senator JUDD GREGG from New Hampshire, Senator BOB BENNETT from Utah, Senator KENT CONRAD from North Dakota, and Senator DICK DURBIN of Illinois. It was a great and wonderful trip for me for a number of reasons.

First, my own view is that over the last decade, and perhaps even more, this country has not paid enough attention to our relationship with Latin America and South America. For me, there is a special bond and relationship because of my own history in the Southwest of the United States. My family founded the city of Santa Fe, NM, now 409 years or four centuries ago. So before Plymouth Rock was

founded or Jamestown was founded, my family was already living in what is now the northern part of the State of New Mexico.

The place I come from still bears the same names that were put on those places by the Spaniards who settled northern New Mexico and southern Colorado. There is our ranch in the San Luis Valley. When you look around to the mountains to the east, those mountain ranges are called the Sangre de Cristo Mountains or the Blood of Christ range. The mountain ranges in the west at 14,000 feet are named after John the Baptist, the San Juan Mountains, and the river that runs through our ranch is called the Rio San Antonio, the Saint Anthony River. That history has always created a very special bond with our neighbors to the south in Mexico and Central America and Latin America.

When Senator REID and the delegation of six Senators went to South America, it was important for me because what we were doing as a collective group was making a strong statement to Latin America that they are our friends and that we will be working closely with Latin America to make sure that the bond and the relationship between the United States of America and those countries to the south is a bond that is strong and one that will continue.

I also was very pleased with the fact that it was a bipartisan delegation. As we met in those countries with the Presidents of Bolivia and Ecuador, it was important that we were one voice, telling the leaders of those countries that we would find ways in which we would strengthen the relationship between the United States and those countries. That signalled a friendship and mutual interest on the part of the U.S. Government to those countries, and it was very important.

I believe we need to recommit ourselves to strengthening our relationships with Latin America. I also believe our failure to do so will imperil the U.S. strategic interests in fighting terrorism, combating drugs, and helping democratic governments throughout Latin America.

Over 45 years ago, there was another Senator taking on a new role in our Nation's history in this city, and at that time he reached out to Latin America with a program that he called the Alliance for Progress. On March 13, 1961, as the Cold War was beginning to mushroom, President John Kennedy launched the Alliance for Progress—known in Spanish throughout Latin America as la Alianza del Progreso—with a vision to create a strong and united Western Hemisphere of nations. On that momentous day, President Kennedy spoke with remarkable clarity about our country's connection with Latin America. He said:

We meet together as firm and ancient friends, united by history and experience and by our determination to advance the values of American civilization. This world of ours

is not merely an accident of geography. Our continents are bound together by a common history. And our people share a common heritage—the quest for the dignity and the freedom of man.

The effort of the Alliance for Progress was not as successful as President Kennedy wished. Indeed, over the next half century, we witnessed political upheaval in many of the Latin American countries, and we saw strained relationships between the United States and some of these nations. But the Alliance for Progress did work to establish good will among the people of the Americas, and we can learn from its shortcomings as we continue to move forward.

As we enter 2007, I hope our six Senators have begun to shine a spotlight on our strategic alliance with Latin America. Under that spotlight, you will find the difficult and complex issues of international trade, immigration, and the battles we wage together against the awful scourge of drugs which affects the populations of those countries as well as ours. We also face the challenge of increasing economic opportunity and eliminating poverty in that part of the world.

Our first stop in South America was in Bolivia, which is one of the poorest countries in this hemisphere, with one of the largest indigenous populations in Latin America. We met with Bolivia's President, Evo Morales, who was sworn in in 2006 as the country's first indigenous President in its history. We spoke with President Morales about his concerns relating to coca production and our concerns about coca production in Bolivia. We also spoke to him about the interest of Bolivia in extending the Andean trade preferences agreement. I believe it was a productive dialog, but we must continue the dialog if we are to build a stronger relationship with the country of Bolivia and keep Bolivia from going down a path which ultimately will end up in opposition to the interests of the United States.

We also there met with the U.S. Agency for International Development and learned about the scope and impact of their projects in Bolivia. USAID is working to create economic opportunities and alleviate poverty, which is so important to improving the lives of the Bolivian population.

In Ecuador, we met with President Correa, who was busy preparing for his January 15 inauguration. He took time to meet with us, assembling his Cabinet and talking about the importance of the relationship between Ecuador and the United States. President Correa pledged to shut down the drug trafficking that is occurring in and around Ecuador and also raised the need to extend the Andean trade preferences program.

When we visited the LatinFlor flower farm, we saw firsthand the impact of this trade program. It is creating thousands upon thousands of jobs for the people of Ecuador and keeping people

there from being recruited by drug traffickers or from having to flee poverty through illegal immigration into the United States.

In Peru, we met with President Alan Garcia. The United States and Peru have long had a strong and lasting relationship.

In fact, during World War II, as Senator REID reminded the President of Peru, Peru provided our country with the strategic materials that were necessary to carry on the war and allowed the United States to set up military bases in Peru and take the fight on in the South Pacific.

President Garcia is very interested in seeing the U.S.-Peru free trade agreement approved by the U.S. Congress. While questions have been raised about this agreement, I am hopeful and confident that we will work through those issues. I look forward to learning more about this agreement and some of the issues that have been raised by some Members about the labor and environmental provisions of the agreement. I admire President Garcia's interest in formulating fundamental and long-lasting change for the poor people of Peru, to improve education, nutrition, and basic health services.

I hope Democrats and Republicans can work together to lift all of the peoples of the Western Hemisphere to a place of hope and opportunity, including those who live in the margins to the south of us. So now it is time for the United States of America to meet the eyes of our Latin American neighbors and to ensure that the many countries sharing our hemisphere will bequeath to our children a common land and future for the people of all the Americas.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I also rise to discuss the recent meetings we held in South America. The nature of the meetings has been outlined by the Senator from Colorado and, obviously, the majority leader.

I think I should start by saying that I admire the majority leader for putting together the delegation—and I appreciate having participated in it—which was bipartisan. More importantly, the majority leader chose as his first outreach in the area of foreign policy, in the sense of his taking the status of majority leader of the Senate, which is a significant status, to go to these countries in South America—countries which, regrettably, we probably haven't put as much energy and effort into as we should have over the years, and countries that are important to us in a variety of ways. So I think his choice of these three nations—important nations that are major players in our neighborhood—was significant and appropriate. I appreciated the chance to participate in it.

In all three of these nations we are seeing significant change—change

which I sort of sense is in a historical context of repeating, in many instances, past actions. South America has, unfortunately, had a history of going from democracy to military leadership to populace leadership and then back to democracy. These three nations have all recently held very democratic elections, and they have elected very outspoken leaders, some of whose views I agree with and some of whose I definitely do not agree with. But they are in the vortex of a movement in Central and South America involving the question of populace socialism as presented by, in part, obviously, Fidel Castro and, more recently, President Chavez of Venezuela. We have seen in that sort of a populist, socialist movement, a distinct antagonism toward democracy. In fact, Cuba hasn't had an election in 40 years. I don't know whether we will see a real election in Venezuela again in the foreseeable future. So I think it was important for us to show the American spirit, which is committed democracy, liberty, and individual rights, and having an electoral process that works—to show that spirit by coming to these three nations that recently held elections and elected new leadership.

There are a lot of issues involving these nations. Bolivia and Ecuador and Peru have significant questions relative to poverty. But there are three issues which dominate our relationship with them, which have been discussed already, and which we discussed with their leadership extensively at different levels, starting with the Presidency of those three countries. Of course, the first is the question of illegal drugs such as cocaine.

I think it is rather difficult for us as a nation to go to a country such as Bolivia, which is exporting cocaine products mostly to Europe, or Ecuador and Peru, which export it here—it is hard to go to those countries because we don't come with clean hands. Basically, we are the demand. As long as we have the demand in this Nation, which is so overwhelming, somebody is going to supply that demand. So we have put these nations at risk by us having our demand for the use of these illegal drugs, especially cocaine. I feel compassion for these nations in that we have undermined them by our Nation putting so much pressure on them regarding illegal trafficking. You have to admire their leaders.

It was great to travel with the Senator from Colorado and his wife. It was nice to have an American face that spoke pure Spanish. It gave us a presentation that immediately gave us identity with those nations. So it was wonderful to have the Senator and his wife there, especially for those of us who allegedly spoke Spanish when we were in college but never really did. Each one of these Presidents was totally committed to fighting illegal drugs. They recognize the harm it is doing to their nations. So we want to support them in that effort.

Secondly is the issue of immigration, which again, to some degree, you can understand their problem, which is that they have people who want to support their families and they come to America to do that, and a fair number come illegally. How we deal with that as a country is a big issue for us and for those nations. Money coming back into those countries as a result of Ecuadorians or Peruvians working in America and sending money back significantly contributes to their economy. They want to have the ability for their people to come here legally. We want to structure a system to help them.

The reason people are leaving those countries goes to the third issue, which is trade. They need good jobs in their country. There are products that they can provide in their countries which, in the classic context of comparative advantage, they can do better than we can. The same is true vice versa. In fact, we can do a lot of things better than they can. So open and free trade is something they want. Every one of those leaders wants open and free trade with the U.S., which is a very positive attitude on their part because we can produce more products that they need, with value added, and they can produce products we need. I suspect we will be in a surplus fairly quickly with each one of these countries if we go to a true free market. That will raise the standard of living down there, which will relieve, to some degree, the pressure for illegal immigration to the U.S.

So it works to our benefit, and not only from the standpoint of trade. One of the interesting statistics I saw in Peru was that trade from New Hampshire increased 880 percent over the last 2 years—that increase of New Hampshire-produced goods going into Peru. We started at a very low base, but a couple of corporations I am familiar with have significantly expanded economic activity in Peru and, as a result, the opportunity. So there are two pending agreements, one of which we extended, the Indian Free Trade Agreement and Drug Enforcement Act, and the other the Peruvian Free Trade Agreement. I especially think we need to address the second one.

Peru has a government that is more market oriented, that is not pursuing nationalization or quasi-nationalization of any foreign investors there, as has happened in Ecuador and Bolivia. Therefore, we should be sympathetic to that government. This agreement is not going to significantly expand issues that are international in the sense of the free trade bite, and we have those issues with China, obviously, and Southeast Asia. To the extent there are environmental and labor issues with other countries, that is not in play relative to Peru. That is not that big an economy. The Peruvian agreement has been caught up, unfortunately, in this bigger contest in the Congress, and in the popular opinion of

American political culture, on the issue of the bigger issue of free trade. We should try to separate it and move the Peruvian Free Trade Agreement forward promptly, if we can, recognizing that it will significantly improve our relationship with Peru and, more importantly, be a statement in the part of the world that we need to have a statement that we are committed to market forces in the face of what is clearly not occurring in Venezuela, which is where you are seeing massive nationalization and a compression and flattening of market forces and a flattening of democratic forces, and that is an issue about which we need to be concerned.

If we can assist Peru and Bolivia and Ecuador in being more economically successful in using a market-oriented model, that is going to undermine the capacity of Venezuela to export their form of populace socialism, which in the end is going to lead, if they are successful, to undermining the quality of life throughout South and Central America.

So it was, in my opinion, a very worthwhile trip. I learned a great deal and met a lot of interesting people. We had the opportunity to meet extraordinary people who worked in our State Department. Each one is a very talented and dedicated person. The people in the Peace Corps are extraordinary. The people working in the AID and microlending projects are doing good work and, of course, the government officials of each country, including the incoming Presidents. It was very valuable. I congratulate the majority leader for pursuing it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I join with my colleagues who were part of the delegation to Bolivia, Ecuador, and Peru. I also salute the majority leader, Senator REID, for making as his first trip as majority leader one to these countries in our hemisphere. I think it sent a very important signal to those countries that America is interested in them, that America cares about them, and that we want to improve relations with them. It did make an impression.

In country after country, people told us they could not remember the last time a Senate delegation from the United States had come. They could not recall a delegation of this size and this significance coming. You could tell it made an impression.

Now, why was it important to go? I believe it was important to go because, first, we see Mr. Chavez, the head of Venezuela, attempting to put together an anti-American bloc in our Southern Hemisphere. Even a casual observer can see that is being attempted.

After going to these countries and meeting with the Presidents of each—President Morales, President Correa, President Garcia, and their cabinets—

meeting with our Ambassadors in each of the countries—our outstanding Ambassador to Bolivia, Philip Goldberg, our Ambassador to Ecuador, Linda Jewell, who impressed us all with her professionalism, and our Ambassador to Peru, James Struble, deeply knowledgeable, someone who has had wide-ranging experience all around the world—I can tell my colleagues that one of my impressions from this trip was the absolute excellence of our Foreign Service people in each of these countries. They were superb.

But I was also deeply impressed by how serious Mr. Chavez is about putting together an anti-American block. In one country, he is buying 30 radio stations, putting up 30 radio stations to influence public opinion. In other countries, he had interceded in the elections—some directly, others indirectly—in order to try to achieve a result. In fact, in Peru, he went so far as to openly endorse the candidate who lost to Mr. Garcia.

It is very clear, if one goes country to country—Bolivia, Peru, and Ecuador—that Mr. Chavez is working actively and, I might say, hand in glove with the Cubans, to try to influence outcomes there. We see, and have seen in recent weeks, Mr. Chavez take a series of steps, in terms of expropriation, that I think ought to send a message about his intentions.

This delegation consisted of the majority leader, Senator REID, Senator DURBIN, the majority whip, Senator BENNETT, at the time of the trip the chairman of the Joint Economic Committee, Senator GREGG, at the time of the trip chairman of the Budget Committee, and Senator SALAZAR, who really did light up the faces of people in these countries as he speaks such perfect Spanish. One could tell what a difference that makes. My wife speaks some Spanish as well. Of course, Senator SALAZAR's wife is very fluent in Spanish. One could see how it lit up people's faces when those three members of our delegation spoke Spanish.

In addition to the question of Mr. Chavez and his plans to create an anti-American bloc there were other important reasons for this trip. On trade, we have the Andean Trade Preferences Act that will expire. It was only extended for 6 months in the last Congress. Make no mistake, that Trade Preferences Act is critically important to the economies of these three countries. Literally, hundreds of thousands of jobs in those countries are at stake if the Andean Trade Preferences Act is not extended.

I know there is some controversy attached to it, but if one sees the potential outcomes of a failure to extend the Andean Trade Preferences Act, one can see that the pressure for more people to come to this country will intensify and intensify dramatically. That is not in our interest. We already have millions of people from these three countries who are in our country, many of them illegally. That is a fact. If we

want millions more to come, one way to assure that is to turn a blind eye to what is needed for those countries to have a chance to succeed.

In country after country—these three countries—we learned that half the people are living on less than \$2 a day. We are talking millions of people living on less than \$2 a day. We saw poverty that was akin to walking back into time. People are living at a level of subsistence that is almost unimaginable, certainly unimaginable in our country. We have areas of great poverty, but to see people living literally in hovels and huts without electricity, without a clean water supply, other than a river flowing by, without sewage, without anything other than the most meager subsistence kind of life is jolting. A dramatic proportion of their populations being in that condition sends a very sobering signal about the challenge facing this hemisphere. So I think it was very important that Senator REID chose as his first trip to go to countries such as Bolivia. Bolivia is the second poorest country in our hemisphere. Only Haiti is poorer.

One of the reasons we learned that delegations are not necessarily eager to go to these countries is because they are at 13,000 feet, 11,000 feet, and it takes a little adjustment to get used to it. One spends part of the time walking around with a headache. These are not places that are the first on most people's list of where they want to go. The fact that Senator REID chose this as the first place that he would take a delegation sent an important message.

Not only do we have this challenge of Mr. Chavez in Venezuela and the question of the Andean Trade Preferences Act that runs out because it was only extended 6 months in the last Congress, we also have the free-trade agreement with Peru pending. That is a controversial matter. We understand that. In the House and the Senate, that is a controversial matter. We have been assured by the trade ambassador's office that they will seek to negotiate some of the labor provisions of that agreement in order to make it more acceptable and have a greater chance of passage. I welcome that indication from the trade ambassador's office, and I hope they pursue it aggressively.

Still another important reason for this delegation going to Bolivia, Ecuador, and Peru is, of course, most of the illicit drug traffic comes out of the Andean region. Bolivia is increasingly a factor. Most of their product has not come to the United States, as Senator GREGG indicated, but we all know that the drug trade, once it rears its ugly head, has spillover effects everywhere.

Peru, obviously, is an important drug-trafficking location, and President Garcia assured us of his absolute commitment to fight the drug trade. In fact, they told us of a commitment they had made in their budget to spend their money combating illicit drug trade in their country because they recognize the toxic and corrosive effect it will have in their society.

We should salute President Garcia for stepping to the plate and committing funds in a place that is very hard pressed for money, as we are in a different way, that they are committing their own money to combating the illicit drug trade and at some substantial risk to themselves. Let's be clear, those drug cartels are vicious, they are murderous, and they are not averse to taking lives from those who oppose them.

I want to indicate one exchange we had that I believe gives an example of why it is important to do this kind of outreach.

In Bolivia, we heard rumors, discussions that the Government there believed there was a plot by the United States to destabilize the Morales Government. When we met with President Morales, I raised that issue with him. I said: We have heard repeatedly you have concerns that there is a move by our Government to destabilize yours. I was able to tell him that our delegation had quizzed all aspects of our Government very closely on that question before we went into the meeting with him, and we were assured in significant detail that there is no such plan by our Government to destabilize the Morales Government, that, in fact, there has been no discussion of any move to destabilize his Government.

He became very animated at that point and went through a series of examples of events that told him or at least that gave him concern that perhaps there is a plot by our Government to destabilize them. He was very specific. He talked about an American who went into the country and set off bombs in La Paz last year. He gave as a second example of American students who had taken his picture when he was with President Hugo Chavez of Venezuela. He believed that was perhaps part of an American Government enterprise to spy on him. He cited the example of his Vice President being denied boarding rights to an American airliner.

He felt all of these events were indicators—at least indicators to him—that perhaps the United States was seeking to destabilize his Government.

Ambassador Goldberg was able to go through each of these examples with him and give him answers as to why these events had nothing to do with the United States. In the case of the American who set off bombs in La Paz, this is somebody traveling on a world federalist passport, illegal documents, had nothing to do with the United States—in fact, was an unstable person and recognized as such by our Government.

On the question of the pictures being taken of President Chavez and President Morales, our Ambassador indicated that these were people who were fans of the two and were simply tourists taking pictures.

On the question of boarding being denied the Vice President on an American airline, the Ambassador was able to point out that our Government then

moved to make it right by providing our aircraft so that the Vice President of Bolivia could make the trip to the United States.

I believe this trip was important in sending a signal. It was an important chance to communicate clearly and directly our interest in the region and our desire to improve relations. I am not naive. I don't think one trip is going to change the course of history. We know that there are serious challenges on our Southern border, but reaching out, talking with people, indicating that we have an interest in improving relations, sending a signal that the majority leader of the Senate, in his first foreign trip, is coming to these countries—impoverished countries, countries that are not exactly on the list of countries that people might visit—I think was important and productive.

I thank the majority leader for leading this delegation. I thank the other Members. My wife and I found it an exceptional group of people. The people who were on this delegation—Senator REID, Senator DURBIN, Senator BENNETT, Senator GREGG, and Senator SALAZAR—did an exceptional job of representing this country.

I thank the Chair and yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, as we have a debate around here about ethics and congressional perks and all of the rest of those issues, I am interested to find some Members of my own party, at least in the other body, boasting that they do not even have a passport, that they are so focused on their jobs that they don't do any foreign travel at all. When I was a newly elected Senator, the then-Republican leader, Bob Dole, took me and a number of other freshmen up to New Jersey to spend a day with former President Richard Nixon. Whatever you might think of Richard Nixon, I think you might confess he had a grasp of foreign affairs that was perhaps unparalleled. And he will be remembered, along with his other problems, for his opening to China, for his level of detente with Russia, and the other things he did in the foreign affairs field.

As we sat with him, one of the first things he said to us was: You cannot do your jobs as Senators if you do not travel. You need to be overseas. You need to be in these other countries. He said: I know the press will criticize you for it, but it is essential that you do it.

I have taken his advice. I have discovered he was right. The press does criticize us for it. There were articles in the Washington Post saying: What are these people doing viewing Inca ruins on a holiday at taxpayer expense, as if the whole purpose was some kind of congressional junket. And there would sit some of my friends in the House, smug in their assurance they didn't even have a passport and they were never going to be criticized for doing this.

The fact is, Nixon was right—not only for the things we learn when we travel but also for the messages we send when we travel. The majority leader had to go over the holiday period because his schedule was so full with other demands that this was the only time he could get away. I was honored and very much pleased when he asked me to come along. The fact that he made it a bipartisan delegation demonstrates his determination to make these trips have an impact both at home and abroad. It did have an impact on the six of us who were there. We have now come back with an understanding of trade issues in ways that you could not get reading a newspaper or, as one paper said: Why couldn't he find out these facts by getting on the telephone? Well, we went to a flower farm where it was pointed out to us, and we saw specific evidence, that the efforts to raise potatoes in Ecuador or corn or wheat may sound good in a political situation, as some Ecuadorian politicians are saying, but the climate and the altitude say they should be raising flowers. It gave a flavor to the whole question of free trade around the world when we realized the most efficient place to raise corn is in the Great Plains of the United States, and the most efficient place to raise baby's breath or roses is in the high altitudes and sunshine of Ecuador.

The fellow who was running the plant said to us: All we are doing is harvesting the sunshine and sending it abroad, and these people have jobs which they would not otherwise have. And this soil and this altitude means raising corn would be crazy. So let the Americans raise corn and ship it to Ecuador, and let the Ecuadorians raise roses and ship them to us.

Being there, seeing the plant, seeing the people at work, seeing the conditions they were under is worth 10,000 phone calls to have somebody try to explain it to us. But perhaps more importantly, on the political level, what Senator CONRAD was talking about, showing up in three countries that have not seen a significant congressional delegation in anybody's memory was a big deal. The press was everywhere. We were on the front page of the newspapers. We were on all of the television stations. The Ecuadorians gave us each a Panama hat. The Panama hat is misnamed. It has always been produced in Ecuador, but for some reason it got labeled the Panama hat. I wore mine. I was not an important member of the delegation as far as title is concerned, but I got on television because I was wearing a Panama hat. The Ecuadorians took sufficient pride in that I found the cameras following me around, just to say here is a U.S. Senator who is wearing one of our local products. I don't know how much good that did, but it can't have done any harm.

Senator REID handled himself with his usual good taste and aplomb in all of the exchanges and all of the press

opportunities he had. No matter how much the Presidents of some of these countries who have an anti-American background might resent the Americans, they could not, in the presence of six American Senators, including the Senate majority leader, not be impressed. They could not not be tempered in their attitudes toward the United States. And some of these Presidents who have the reputation of anti-Americanism in the meetings with others in addition to us were very gracious, and then ultimately in the presence of these Senators, outgoing in their praise of the United States and their delight at having this kind of delegation. Every single Ambassador made it clear to us that by our being there, we made their jobs easier. We made their jobs better. We demonstrated an American interest.

I was reminded when I was there on a congressional delegation of a statement I heard from the leader of a European country who opened the conversation by chiding us and saying: It has been too long since a Senator has been here. What is the matter? Aren't we important enough for you to come?

Well, if a European country that sees Senators come through about every 6 months had that reaction when it had been over a year since a Senator came, how about a South American country that had never seen a Senator in the lifetime of that particular administration.

So, again, we who were on the trip were well served by the things we learned. I have just given one quick example. My colleagues will give others. But just as importantly, the United States was well served in terms of the impact this kind of travel made on those countries that had not seen senatorial delegations.

So I intend for the rest of my Senate career to follow Richard Nixon's advice when he said: You cannot do your job if you don't travel. And I would urge those who somehow think they can get a little cheap publicity in the United States by saying: I am above that, I don't accept all of that travel—you are being derelict in your duty.

Nixon made one other comment. He said: Yes, I know the press will criticize you, but it makes great speech material when you get home. I hope that has been the case for those of us here today from whom the Senate has heard.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, let me thank my colleague from Utah for his remarks and for joining us on this trip, this official trip which Senator REID, our majority leader, put together. Senator BENNETT is correct. Members of Congress have to make a decision early in their career: Are they going to travel? I think it has been one of the most valuable experiences of my public life. I have made a point of always announcing in advance where I

am going and why I am going, giving full disclosure so that people know. I can say without exception that every time I have taken a trip, carefully planned, I have come back with a better knowledge of the world and a better appreciation of our home.

I have learned things on these trips I just could not appreciate reading in a book. I have met people on these trips who have changed my life. I don't say that loosely; I mean it.

Over 15 years ago, I met a man in Bangladesh named Muhammad Yunus. We had gone to Bangladesh, one of the poorest countries on Earth. This economics professor took us out to show us that he was testing a concept from his economics class called micro credit. He believed—this professor believed—that if you loan a small amount of money to the poorest people on Earth, they would pay it back, and that that small amount of money would change their lives. A simple concept, but he was out to prove it would work, and he proved it over and over again until that concept reached 100 million people on the face of the Earth. That man was recently awarded the Nobel Peace Prize. I met Muhammad Yunus on an official trip. I have fought for micro credit ever since, and I consider him a real inspiration to my public life.

The same is true about Africa. When I finally was able to go to Africa, looking at micro credit food programs, I was hit smack dab between the eyes by the global AIDS crisis. It changed my public service. I came back and established the first bipartisan global AIDS caucus on Capitol Hill and have fought every single year to fight for more money to fight this scourge, this epidemic of AIDS. We have now put together an additional \$1 billion in money added to budgets, \$1 billion to be spent around the world saving lives. It has made a real difference, and it was the result of an official trip where I saw firsthand what AIDS was doing to that great continent of Africa.

So I would say to my colleagues and my critics, I believe that Members of Congress should be compelled and required to travel overseas every single year and should account for their travel and account for their refusal to travel. We have to understand that these trips help us in public service, help to project the image of our country, and help us to reach a new level of understanding with leaders around the world. This trip was no exception.

Why would we go to Bolivia, Ecuador, and Peru? Of all places on Earth, why would we go there? The first trip by the majority leader, HARRY REID, was scheduled to this region of the world, and I know that many of the leaders down there were surprised, as well, to see us. It is one of the poorest places on Earth. Bolivia is the second poorest nation in our hemisphere next to Haiti. The people there struggle to survive, the majority of them on fewer than \$2 a day.

We met with indigenous Bolivian Evo Morales, now President of that coun-

try, elected in a free election. We fear that he will lean toward the Chavez model of government, and we hope he will be more open minded. This trip helped us to deliver a message. As Senator CONRAD mentioned earlier, he has misgivings about his relationship with the United States. I think what we had to say to him in our meeting with him, and Senator HARRY REID's insistence that we respect the sovereignty of his nation, was important, a very important thing for him to see.

Bolivia itself is a fascinating country in many respects—very entrepreneurial, with a sense of street justice which you don't find in many poor countries around the world. But I left there with a better understanding of the challenges facing them.

Going on to Ecuador, there was a special meeting with the President-elect, now President Rafael Correa. I felt a special attachment to President-elect Correa because in the year 2001 he received a Ph.D. in economics from the University of Illinois at Champagne-Urbana. We joked about it, and we joked about his experience living in the United States. That evening I got to meet his wife born in Belgium. She served as a special education teacher in Champagne, IL. I say that because those linkages between the United States and the new leadership of Ecuador are valuable. He saw America firsthand. He said to his friends in Ecuador: What I like about America is they don't ask you your mother's lineage. They just want to know who you are, not whether you come from some aristocratic stock.

That is a good lesson to learn in America. It is a good lesson to apply around the world. It says a lot about us and our values.

We went on to Peru as well. There aren't a lot of delegations that visit Peru. I am glad we did. President Garcia is a real friend. In World War II Peru was one of our earliest allies, and they are proud of it. Our standing with Peru as a nation couldn't be better, and it gets better by the year. It tells us, though, that we have critics around the world.

First, let me say if someone stopped me on the streets of Chicago and said: Senator DURBIN, why in the world did you go to Bolivia and Ecuador and Peru, I would ask them one question: Do you think narcotics are a problem in America? I know the answer. The answer is obvious: a big problem. Not just a problem for law enforcement but for families and children, a great expense and a great danger caused by these narcotics, and the Andean region of the world that we visited supplies 100 percent of the cocaine that comes to the United States.

When Senator REID and Senator BENNETT and others and I went to these countries, we sat down with our Ambassadors, we sat down with the Drug Enforcement Agency, we sat through classified briefings and talked about our cooperative efforts with these nations to stop this flow of narcotics.

That is a priority for this Senator, and I am sure it is a priority for many others. By meeting and encouraging these leaders to continue to cooperate with the United States, I think it is going to help to make our Nation safer. When we hear firsthand from the President of Bolivia that he believes he is being shortchanged in bilateral assistance from the United States compared to other countries, it is a legitimate point and one that we brought home and one on which we will follow through. We want to make sure the flow of narcotics is reduced. We want to make America safer, reduce drug crime, and it starts with an understanding between Senators and leaders in these countries that we have the same goals.

Let me say one thing before I turn it over to our majority leader. How do we project the image of the United States? We believe that five or six Senators bringing that message is an important part of it but a tiny part of it. When we visited Bolivia, Senator REID, I believe, asked the question: What is the presence of Cuba in Bolivia? The answer is an important one for us to reflect on. Today, out of about 20,000 medical doctors in Bolivia, 1,500 come from Cuba, another 5,000 classroom teachers come from Cuba. When we asked, in Bolivia, our Ambassador what are we doing, he said the United States is making substantial investments in infrastructure. Stop for a moment and think about it. Which version of the world, which message, will have more impact: A message delivered to a person in Bolivia in a clinic or a classroom or a message delivered on a sign next to a stretch of concrete? Not to diminish the importance of infrastructure, but the fact is those Ambassadors of Mr. Castro's view of the world are going to have an impact on the people they help far beyond what impact we will have by building this infrastructure.

Senator REID makes it a point on his trips and I make it a point on mine to meet with Peace Corps volunteers. We had great meetings in Ecuador. Some of these great American kids—I shouldn't call them kids; young men and women, some not so young—who are Peace Corps volunteers literally spent over 12 hours on an overnight bus to make it to a luncheon. We had a great time. We talked. I had a chance to meet a couple of them from the State of Illinois. Andrew Wiemers from Galesburg was one of them. We talked about the challenges we faced, and we talked about how proud we were that they were, for little or no money, giving 2 years of their lives to tell the American story by giving, by helping. They are making a difference. But around the world, there are only 7,000 Peace Corps volunteers. I think we can do more, and I think we need to do better. We can stretch ourselves and stretch our message out to parts of the world that have the wrong message of the United States.

When John Kennedy was President, he took a hard look at Central and

South America for the first time, understanding that in the history of that region, many times our Government and private interests in the United States have exploited it. He created a new opportunity. He called it the Alliance For Progress. And President Kennedy's name is sacred now in this part of the world because of his recognition that they were not just our neighbors but our friends and potential allies.

We have to renew that conversation. It starts with official trips such as these. It starts when we bring our message back to the Secretary of State, Condoleezza Rice. But it can't end there. We have to make sure the legislation we consider, the policies of this country, and our relationships continue to grow.

I will say to those who criticize the official trips by Members of Congress, they don't understand the world in which we live. We have a special responsibility to learn about this world, to tell our message to people around the world and come back with our knowledge and share it with our colleagues. It is important for us as Members of Congress to spend time together in these settings. It builds friendships and alliances and relationships that on the floor of the Senate I have already seen in a few short weeks have paid off. That level of comity, that level of dialog, leads to a more civilized Senate and a better work product at the end of the day.

I thank Senator REID for inviting me to be part of this trip, and I yield the floor.

Mr. REID. Madam President, how much time does the majority leader have in morning business?

The ACTING PRESIDENT pro tempore. The majority has 5½ minutes.

Mr. REID. Madam President, I ask that the time of the minority be extended. I will complete my remarks, if not in 5 minutes, shortly thereafter. But whatever time I expend, I ask that time be given to Republicans so they have a matching amount of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I so appreciate the statements of my colleagues who traveled with me to South America. As has been indicated, Bolivia, if not the poorest country in this hemisphere, is the second poorest. You land in an airport, the highest airport in the world—13,400 feet. As my distinguished friend, the Senator from Utah, said, President Nixon said that people should travel, Members of Congress. I use as an example Ronald Reagan. Ronald Reagan was an anti-Communist, and that is an understatement, but Ronald Reagan always spoke to his enemies. But for Ronald Reagan's insistence that there be bilateral negotiations with the Soviet Union on a constant, frequent basis, I am not sure the Cold War would have ended. Not only did he personally meet with the Soviet leaders time after time, people working

in his State Department were in constant contact with the Soviet Union.

Members of Congress should travel. There is no better example than these three countries to which we traveled. They are begging for the attention of the United States, and they are getting no attention. They are not begging for the attention of Venezuela and Cuba, but they are getting lots of attention. As a result of that, they have a significant amount of influence where the United States should be the one exerting the influence.

They want us to be involved. We should be involved. Ninety percent of the cocaine in the world comes from the Andean region. Shouldn't we be involved? But we are not. We set up programs to help them fight the illicit growing and production and transmission of illegal narcotics—and we are cutting back on those moneys. They are limited amounts, anyway. These little democracies cannot afford to do this on their own. It is unpopular for them to do that. The President of Bolivia was the head of a union of coca farmers. He wants to fight the illicit drug trafficking, but he needs our help, as does the President of Ecuador. The most biodiverse nation in the world is Ecuador.

The President of Peru loves America. He was effusive in his praise for America. Why can't we help more?

I wish to mention a couple of things. First of all, the hidden heroes of our Government are our Foreign Service officers. I have been in Congress now going on 25 years. My first tour of duty was in the House of Representatives. I was a member of the Foreign Affairs Committee and learned to travel at that time, and rightfully so. I traveled with great chairmen, such as Clem Zablocki from Wisconsin and Dante Fascell from Florida.

I have come to learn that our diplomats, our Foreign Service officers, are the cream of the crop. To become a Foreign Service officer, you have to be very smart and very interested in what goes on in the world. They are the best. They are wonderful people. Every place I go when I travel, I tell these Foreign Service officers something they don't hear very often: They are the difference between America having relations with these countries and not having them.

Ambassadors to these three countries are great human beings. Philip Goldberg in Bolivia—what a tremendous job he is doing, working day and night to improve relations between our country and Bolivia. In Ecuador is a distinguished woman who has a great diplomatic career. She has a smile that is contagious—Linda Jewell. She is doing great work for us in Ecuador; and in Peru, James Curtis Struble, a real professional. I have so much warmth for the work these people do. They go to the remote parts of the world. Every time I meet an ambassador, I say: Where have you been? And you should hear where they have been—the most

remote places in the world, starting off as a political officer, economic officer, places where they handle visas, and they work their way up through the ranks. These Ambassadors are similar to a four-star general. I think we only have 140 Ambassadors, and they are the best, the cream of the crop. If you see a person who has been appointed Ambassador through the career State Department offices, they are the best. They are all Americans. They are generals; they are admirals. I so admire the work they do.

Then, as Senator DURBIN mentioned, every place I go, I talk to the Peace Corps volunteers. We only have, in the world, a little over 7,000 of them. We should have 70,000 Peace Corps volunteers. A woman from Reno, NV, traveled 20 hours to meet me in Ecuador, to have lunch with me in Ecuador. This is her tour of duty as a Peace Corps volunteer. One Peace Corps volunteer from Nevada has a master's degree in biology. She works in public health. Another Foreign Service officer from Nevada works with troubled youth. She showed me her pictures. Her father came to visit her. He lives in New York. He came to see her and where she lives, and when he saw her, he started crying. He said: I expected more than this for my daughter. After he left, after visiting his daughter, he cried with joy, recognizing what this woman does for mankind. That is what Peace Corps volunteers do.

This was a wonderful trip. We need to compete with Cuba and Venezuela in this part of the world and other parts of the world or we are going to lose these democracies.

I have to be very candid with you, Madam President. The snide remarks, the cute little things people write in newspapers about trips taken by Members of Congress, I resent them, and I think it does the American public a disservice. I am going to continue to travel in spite of what the newspapers say because I believe I am serving my country by doing that.

With America's attention focused on the Middle East, South America does not get the attention that it deserves, particularly the three countries we visited—Bolivia, Ecuador, and Peru.

And when the world does focus on South America, it is with increased concern over the region's leftward turn, and the inflammatory rhetoric issued by several of the region's leaders criticizing our Government.

There is no doubt that there are serious problems in the region. There is also no question that the Bush administration has neglected the region, and its lack of a comprehensive policy has contributed to this current trend.

Venezuela and Cuba have been filling a vacuum, attempting to pull the region to the left.

But I do not think we should be deterred by this trend. We have much to gain through increased engagement with South America—and much to lose if we retreat from our obligations to the region. We can and must do more.

On our trip, we had productive meetings with the leaders of Bolivia, Ecuador, and Peru. Most importantly, we came away from our visit with an appreciation for the people of these three important nations, and an awareness of the key issues confronting them.

Our first stop was Bolivia, where we had an amicable discussion with President Evo Morales. Much has been said about the somewhat difficult relationship the United States has encountered with President Morales, but we were able to set forth our concerns about increased coca production, the rule of law, and the periodic expressions of anti-Americanism. President Morales also laid out each of his grievances about the U.S. We did not always agree, but we had a very honest and open exchange, and that is what close relationships require.

I was also pleased to see the devoted engagement of our Ambassador Philip Goldberg and his diplomatic team in La Paz. Their insight will be particularly crucial in monitoring the current Bolivian constitutional crisis. We will have to watch these developments closely. We truly hope that whatever happens, Bolivian democracy and Bolivian democratic institutions are strengthened, not weakened. That would be the right result for Bolivia, for the region, and for the relationship with the United States.

Then it was on to Ecuador, the most bio-diverse country in the world. From its snow capped peaks, to the Galapagos Islands, to the Amazon Rain Forest—Ecuador is an environmental treasure. My son spent 2 years there years ago, and to this day, still speaks of his days in Ecuador. After being there, I can understand why Ecuador made such an impact on him.

We were pleased that, although he had not even been sworn in yet, President Correa assembled his new cabinet to meet with our delegation. He seemed quite aware that Ecuador risks becoming a transit hub for narco-trafficking in the region, and vowed to take swift action to shut down the trafficking in and around Ecuador.

Ecuador is the home of the U.S. Forward Operating Location at Manta, which plays a key role in the multilateral approach to fighting the war on drugs. The mission at Manta advances the joint interest that the United States and Ecuador have in curbing the illegal flow of drugs. The American presence at Manta also contributes around \$6.5 million a year to the local economy. We hope that this can be the start of a constructive dialogue on this issue, through which the Ecuadorian Government will come to realize the benefits yielded from the Forward Operating Location at Manta.

Peru, our final stop, must also contend with the problem of drug trafficking. But Peru's President, Alan Garcia, is a leader committed to meeting this challenge. We had such a good meeting with President Garcia, a pro-democracy, pro-capitalist and pro-

American leader. I am very grateful for the graciousness he showed to our delegation.

President Garcia possesses a keen understanding of the dynamic of the region today, and desires to work together to combat the leftist ideology being promoted by Venezuela's Hugo Chavez and Cuba's Fidel Castro. He noted that, with Castro's possible passing, the U.S. has an opportunity to re-engage in the region, and reach out to a new generation looking at the United States as a model for freedom, democracy and opportunity.

Going forward, we must remember that the U.S. and South America will continue to have its ups and downs. But all relationships do. The six of us took this trip because we know that existing relationships must be cultivated and tended to in order to keep them healthy and strong.

There is so much more we can do here at home. Our delegation intends to meet with the Secretary of State in the coming weeks to relay to her the small things the U.S. Government do to improve our position in the region. For example, I believe: we should be doing more with IMET assistance, which in addition to the training program, proves so valuable to developing longstanding relationships between military officers the United States and the IMET beneficiary; we need to increase the USAID budgets for these nations. We learned that Ecuador's aid budget will be cut considerably, from \$35 million to under \$20 million, and I believe that is a mistake. One thing we learned is how far a few U.S. dollars can go; and we also need to do more to support micro-lending and the counter-drug efforts of the Andean region, in order to keep cocaine off the streets of the United States. I was disturbed to learn that the State Department is contemplating significant cuts to the Andean Counter-drug Program. That, too, would be a serious mistake, and I plan on raising the issue with the Secretary of State.

Finally, I think it is important to extend the trade preferences for Ecuador and Bolivia. I also know that Peru is eager to get its Free Trade Agreement finalized, and this is something that Congress needs to address in the coming year.

Through increased trade, more robust aid and exchange programs, and stronger diplomacy to this region, the United States can help lift many people out of poverty, improve economic conditions, which would have a significant impact on illegal immigration to the United States. We would also help counteract the region's shift to the left. In short, the people of this region want stronger ties with the United States, and that is what we should aim to deliver.

The Andean region is not lost to us; its challenges provide us with an opportunity which we must seize. With more sustained engagement, we can win it back again.

I thank my colleagues for joining me on the floor to talk about this important issue today.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I assume this starts this side's period of morning business, to be extended to what time?

The ACTING PRESIDENT pro tempore. The minority has 62 minutes.

ENERGY

Mr. CRAIG. Madam President, I come to the Chamber today to speak about efforts that are now underway in the 110th Congress to deal with an issue the American people have become tremendously sensitized to over the last couple of years—the issue of energy, the availability of energy, and the cost of energy. I believe it is important, as we look at cost and America's reaction to it, to recognize that while Americans are paying a higher price for energy today, there has never yet been a question about the availability of energy and the supply itself. I think we forget that when we paid, in midsummer, \$3 at the gas pump for gas and substantially more for diesel, it was always there, it was always available, and that never became the issue.

What I believe is important for us today, in the new Congress, under new leadership in the House and the Senate, is to not only focus on the availability of energy but also move ourselves toward being a nation that becomes independent in its ability to produce its own energy—all kinds, in all ways—for the American consumer.

I find it fascinating that somehow, in the midst of all of this, we have forgotten that while the energy is still at the pump, the lights still come on when we throw the switch in our house in the morning, and America is awash in the use of energy, we have become increasingly dependent on foreign sources for a substantial portion of the very energy that moves this country. Here is a chart which I think demonstrates that. Today, arguably, we have become 60 percent dependent upon someone else producing our hydrocarbons—our oil to produce our gas and our diesel and, of course, the plastics our country uses as a derivative of that.

In this new Congress, we should focus as aggressively as we did in the last Congress in the creation of the National Energy Policy Act of 2005. We ought to now move a major step forward toward energy independence by not only encouraging the increased production of all forms of energy but looking to see if Government stands in the way of that. Is Government promoting it or are we inhibiting it and forcing those who supply our energy to progressively seek offshore sources of that supply?

The new Committee on Energy and Natural Resources that I serve on, under the guidance of JEFF BINGAMAN,

recently held a hearing on who supplies the oil for the world. Is it ExxonMobil? No. Is it Conoco? No. Is it Phillips? No, even though we think it is because that is where we get our fuel when we go to the gas pump. What we found out and what many have known is that 80 percent of the world's oil supplies are controlled by governments. And they are not our Government. They are controlled by government or government-owned companies.

I recently gave a speech to a group of oil producers. I talked about petro nationalism and a growing concern in this country that the world that supplies this portion of our oil can use their political muscle but, more importantly, the valve on the pipeline of the oil supply, to determine the kind of politics and international relations they want to have with us, knowing how we have become so dependent upon that supply.

I hope we continue to focus on supply and availability instead of doing what some are saying we are going to do. We are going to punish the oil companies because they are making too much money. We are going to tax them, and we are going to tax the consumer because somehow that will produce more oil? No, no, no. That is politics, folks. That is, plain and simply, big-time politics, to show the consumer you are macho, that somehow you will knock down the big boys who supply the oil.

Ask the questions, if you are a consumer: Will that keep oil at the pump? Will that keep gas available to me? Will that produce more gas to bring down the price? Those are the legitimate questions that ought to be answered when the leadership of the new Senate says: No, we will muscle up to the big boys and knock 'em down because somehow they may be price gouging. Yet investigation after investigation after investigation suggests that is quite the opposite. That simply is not happening.

Nowhere are they going to tell you in all of this political rhetoric that I would hope would take us toward energy independence and a greater sense of energy security in our country that the new deep wells we are drilling in the gulf that produce or new oil supply could cost upward of \$1 billion a well in actual expenses before the oil begins to flow out of that well and into the ships or into the pipelines that take it to the refineries that ultimately put it in the pipeline that get it to the consumers' pumps. And the issue goes on and on.

I hope that in this Congress, while some will want to play politics, a good many will focus on the reality not only of what we have done, which has been very successful in the last few years—and that is the Energy Policy Act of 2005—but go on with the business of setting goals and driving incentives that move us to energy independence. It is phenomenally important we do that as a country. Long-term investment, new technologies, clean sources of energy are going to become increasingly important.

But more important is that we can stand as a Nation and say we are independent of the political pressures of the Middle East or the political pressures of Venezuela or the political pressures of Central Europe and Russia, that now control the world's supply of oil. That is what Americans ought to be asking our Congress at this time. Are you going to ensure an increased supply? Are you going to ensure a greater sense of independence by the reality of where our oil comes from?

This is not just an issue of oil. We know it is an issue of new technology. It is an issue of cleanness. It is an issue of nonemitting greenhouse gas sources of energy because today we are all about clean energy. And we ought to be. Yet we understand the agenda for climate change is going to be a punitive one, one that would obviously distort a market's growth toward cleaner supplies. It is called cap and trade or command and control instead of saying, yes, that is the old technology. Now let's invest in new technologies. Instead of penalizing, let's create the incentives that move toward new technologies and let us then lay down the old. That is how we cause America to become increasingly energy independent. I am talking climate change.

The Speaker of the House yesterday did something very fascinating. She couldn't get the climate change she wanted out of her own committee so she has created a new select committee on climate change to be headed up by Representative ED MARKEY. I remember Representative MARKEY over the years: All antinuclear, day after day, year after year. He lost that battle. Americans said: You are not going to go there anymore. You are going to start producing energy because it is clean. Now he has been assigned a select committee on climate change.

Congressman DINGELL, who chairs the appropriate committee, said select committees are about as useful as feathers on a fish. Congressman DINGELL gets it right.

What is useful, what is important in the argument of climate change, is new technology, it is incentives, it is producing energy in today's market that is, by any dimension, cleaner than what we produced in the past. You do not penalize the producer, you incentivize the producer to make sure that they move in the direction of clean energy. When you do that, you also say, as we said in the Energy Policy Act of 2005, and as we sought to say again and again and again to the consumer, we are going to provide you with the tools to conserve, to become more efficient in your use of energy.

All of those things, in combination over the next 10 to 15 years, clearly ought to allow this country to stand up and say we have narrowed this gap; we are more independent as a Nation today in our supply of energy than we were in 2007, and we are more independent because our Government stood up, got out of the way, incentivized,

created those kinds of tools that the private sector could effectively use for an ever-increasing supply of clean energy and that we, as consumers, were given the tools to become more efficient in the use of those clean supplies of energy.

I hope that ought to be and will become the mission of this new Congress, not to play games with the politics they thought brought them to power but to realize that the American consumer still is going to ask that the gas pump be full of energy, that the light switch supplies electricity in the morning and that, hopefully, it will come in a cleaner form and it won't cost any more than it has cost in the past in relation to cost of living and inflation.

Those are the realities of a marketplace that we ought to help, not penalize. Is that politically wise to do? In the long run, it is very politically wise to do because then America can stand on its own two feet. It will not have to bow to the suppliers, such as Russia and the Middle East, and to let a dictator in Venezuela jerk us around because he has a major supply of oil. We can say: No, we supply our own. We are independent. We have been responsible in doing so, and we did it in a clean and diverse way.

It is a phenomenal challenge for us but a challenge that is important to meet.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Georgia.

(The remarks of Mr. ISAKSON and Mr. ALEXANDER pertaining to the introduction of S. 330 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to talk about energy, and I start by reminding people, as well as my fellow Senators, that in August 2005, the President signed an energy bill that was very comprehensive—probably tilted toward renewable fuels, such as ethanol, and toward conservation, such as fuel cell cars, but also a small part of it was some incentives for domestic fuel, petroleum production, for refining and for distribution and for things of that nature.

It was a very comprehensive bill because we were concerned about the price of gasoline. We were concerned about what working men and women of America were having to pay. We were concerned about national security. There were a lot of reasons for passing that bill.

But then you get into an election year, 2006, and the impression you get from the election rhetoric is that we never had an energy policy, never passed a bill, or what we did pass was only for the big oil companies, and that there was no concern whatsoever about national security, there was no concern on the part of the Senate, when we passed that Energy Policy Act in 2005, about what many working men and

women were paying for gasoline and things of that nature.

And all of this rhetoric against it—or what was said about it, if anybody wanted to admit we had an energy policy passed by Congress—was that it was all for big oil. I wish to remind people that bill was overwhelmingly bipartisan. But yet during the last campaign, one political party talked all about giveaways to big oil, never talked about ethanol, never talked about conservation, that it was an energy bill that was just for big oil and for big corporations, making the other political party out to be nothing but for big corporations, as opposed to what our incentive was: to drive down the price of gasoline and to have an adequate supply of gasoline and not be dependent so much upon foreign sources of oil, which was our motivation.

So I am here, now that the House of Representatives is working on a bill that deals with energy policy, and particularly to repeal what was referred to in the last election as "sweetheart tax deals for big oil" that were included in that Energy Policy Act of 2005, to say this bill that we passed was very well balanced for ethanol, alternative energy, conservation, with a small part of it for domestic oil production, and how intellectually dishonest it is to refer to this bill as a giveaway to big oil.

I will use some statistics to back up what I am referring to. At the time we considered the Energy Policy Act of 2005, I was chairman of the Senate Finance Committee because my party was in the majority. So I played a central role in developing the tax title, along with my colleague, Senator BAUCUS. So, in fact, it was a very bipartisan bill. In fact, Senator BAUCUS and I produced, on a bipartisan basis, this comprehensive tax package that included provisions to increase domestic energy production, increase energy efficiency, and increase the development of alternative and renewable energies.

On the whole, I think the effort was a success. All you have to do to know it was a success is to look at the explosion in the building of ethanol plants throughout the country—most of them in the Midwest but throughout the country—as people are going to alternative energies, renewable fuels now because ethanol is made from crops that are growing from year to year. So I think the effort was very much a success, and that is one small part of it being a success.

The Senate tax title was supported unanimously—I wish to emphasize unanimously—because there, at that time, were 11 Republicans and 9 Democrats on the committee. It came out of our committee unanimously. This bill, which during the last election was talked about as a giveaway to big oil, came out of our committee unanimously and eventually passed the Senate 85 to 15. And the conference agreement, ironing out the differences between the House and the Senate, passed by a margin of 74 to 26.

So throughout the whole process it was bipartisan, that this was the answer to the energy problems facing the Nation—not that it was the end-all and be-all, but it was a very comprehensive effort and a successful effort to solve the energy problems of our Nation.

The entire tax package that was in this bill, the Energy Policy Act of 2005, had a budget score of \$11.1 billion over 10 years.

According to the nonpartisan Congressional Research Service, \$2.6 billion or 18 percent of the package was for oil and gas production, refining, and distribution. Distribution isn't always by the big oil companies. So 18 percent—that is why I said our bill, passed in 2005, signed by the President, was overwhelmingly tilted toward renewable fuels and toward conservation, not toward domestic petroleum production. According to the Joint Committee on Taxation, the tax title of the Energy Policy Act actually raised taxes on oil and gas companies by at least \$224 million.

Understand, this was described in the last election as a giveaway to big oil. Yet nonpartisan staff said that oil and gas companies ended up paying \$224 million in new taxes. In the last election, the tax title was characterized as tax giveaways to big oil, anywhere from \$9 billion to \$14 billion. How do you get \$14 billion, if you want to say it was 100 percent for big oil instead of 18 percent? How can you say a bill that was scored at \$11.1 billion could end up being a giveaway of \$14 billion? It doesn't add up. And figures don't lie.

At a time of record high gas prices last year, the other side accused the Republican majority of failure of leadership. They said it was time to rewrite the Energy bill and stop the billion dollar tax giveaways for big oil, the same kind of misleading insinuations I have been referring to on another issue they had in the last campaign, about the fact that we ought to negotiate with drug companies to get prescription drug prices down, when we are already doing that, as I pointed out in some speeches last week. For the 24 most-used drugs by seniors, the plans that are negotiating with the drug companies have negotiated prices down an average of 35 percent.

Getting back to energy, during the same campaign cycle, Members on the other side sold the taxpayers a bill of goods. They committed to repealing all the tax giveaways to big oil that the Republican Congress included in the Energy Policy Act of 2005, which ended up with \$224 million more coming in from oil and gas. With the results of the November election, I presume they believe they were given a mandate from the voters to take away all of those "tax giveaways"—the words they used—in that bill. We heard the arguments over and over, both here on the Senate floor and across the country on the campaign trail. But now that the debt has come due, it is time for the new Democratic majority to deliver on

their promises to the American people. So what have they come up with to repeal? How much money are they going to take back from big oil to alleviate consumer pain at the pump? Just one provision—that is right, one provision.

After all the demagoguery against our party and the Energy bill that passed by an overwhelming bipartisan majority, supposedly because of ties to big oil, are they accusing the Democrats who voted for it of ties to big oil as well? And they are going to repeal what? One single tax provision enacted in the Energy Policy Act signed by the President in August of 2005. Of course, that is only half the story. It turns out this outrageous “tax giveaway” to big oil is scored by the Congressional Budget Office to save the U.S. Treasury \$104 million over 10 years, not the \$14 billion that was the outside figure used during the campaign, not \$1.4 billion but \$104 million.

I am a family farmer from New Hartford, IA. I know \$104 million is still a lot of money. But it turns out to be less than 1 percent of the entire package of the energy tax incentives included in that Energy Policy Act that came out of my committee on a unanimous vote, all Republicans and all Democrats, and passed the Senate in an overwhelmingly bipartisan manner. So in a desperate attempt to increase the size of the tax penalty on domestic oil and gas producers, they have also included the repeal of the oil and gas industry's eligibility for the manufacturing income tax deduction. That is not just for oil and gas; that is for all manufacturing in America. This was another bill, in 2004, that passed overwhelmingly with a bipartisan majority. The American JOBS Creation Act of 2004 was a new law supported by 69 Senators—that is bipartisan—that contained far-reaching measures to revive the manufacturing base in America because of outsourcing.

We did that by cutting taxes so that the cost of capital is competitive with the cost of capital overseas, so we don't lose jobs overseas. We also created incentives for people to invest in the United States instead of investing overseas. It devoted tax benefits to American manufacturers in the form of a 3-percentage-point rate cut subject to the payment of wages to their employees. If they didn't hire more people, they didn't get the benefit. Remember, it was called the Americans JOBS Creation Act. This manufacturing tax cut goes to large and small corporations, family-held S corporations, partnerships, sole proprietors, family farmers, and cooperatives. If you manufacture here, you get the tax cut here. If you manufacture overseas, you don't get the tax cut. It was only for manufacturing in the United States, and it was only for U.S. manufacturers that paid employees' wages. It was not for manufacturing offshore and it was not for folks who only manufacture and hire overseas.

In defining U.S. domestic manufacturing, Congress included in the defini-

tion all things that are extracted or grown, including what the family farmers grow. That means that all domestic minerals and the people who produce domestic minerals receive benefits. And that would include extraction of domestic—meaning here in America—oil and gas and the production of products made out of our own oil and gas.

It seems very strange to me that if you want to become less dependent upon foreign oil, the first thing you would do, in your first 100 days being in the majority for the first time in 12 years, is to increase the taxes by 3 percentage points on domestic production of oil and gas, which was part of the American JOBS Creation Act of 2004, which passed in a bipartisan majority in the Senate.

In addition, the House proposal also increases the taxes on all refinery products. That means your home heating oil and your farmer's diesel used to run the machines that harvest the crops. In addition, fertilizer is a primary product of natural gas, so midwestern family farmers are going to be hurt and not helped by any of this proposal. That is what is coming out of the other body to this body to consider. Maybe because it is represented by so many people from the big cities of America, they don't realize food grows on farms. It doesn't grow in a supermarket. Maybe they don't realize what they are doing to the American farmer. But we don't need the cost of our anhydrous ammonia, which last summer was \$550 a ton compared to about \$250 a ton 2 years ago—so we have fertilizer to grow our crops—to be driven up still more.

In the 100 days of the new majority, this is what they are doing to the American consumer, the American farmer. All of this in the new House majority so they can rewrite and adopt a campaign promise to cut tax benefits to big oil. It is an example of a problem they made up that now they have to deliver on. In the process, they are going to hurt the family farmers, hurt the consumers, and cut out one of the things this body adopted in the JOBS Creation Act of 2004, to create manufacturing jobs in America, incentives to invest in America so that we don't have outsourcing.

If they wanted to get back at Exxon—that is big oil, if there ever was big oil—they missed the mark. The people who produce here in the United States are the same people you go to church with and your kids see in school. If you want to become more dependent upon foreign oil, then you should be happy with this proposal coming out of the first 100 days of the new majority in the new House of Representatives. If you want to create incentives for the production of U.S. lower 48 domestic oil and gas, then this quite obviously is the wrong policy, all for a campaign gimmick, all for campaign pandering. That is not right, to teach the family farmers and the consumers of America, who are already

paying enough for their prices and are suffering from high energy costs, to do more by taking away this 3-percent point tax incentive we gave for investment in America to create jobs in America. If it is made in America, you get the benefit of it. If it is made overseas, you don't get the benefit.

Granted, there were also three provisions relating to royalty relief that were included in their bill. Two were included in the bipartisan Energy Policy Act, and one seeks to remedy an error caused by the Clinton administration bureaucrats in the Interior Department of 10 years ago. I will leave those discussions to the people who are best prepared to answer those, my colleagues on the Energy and Natural Resources Committee, who have jurisdiction and expertise in this area.

I also point out to my colleagues and constituents that I am not beholden to big oil or the energy industry. In the years I have been in the Senate, I have battled big oil, because they hate renewable fuels that we call ethanol. They don't want you burning anything in your gas tank that doesn't come out of their oil wells. They don't want you burning in your gas tank those things that come off the farmers' fields in the way of corn from which we make ethanol, also for all of the sorts of things that they don't like, what we call energy conservation and forcing electric utilities to use renewable portfolio standards within the industry. I have supported biodiesel. I have supported ethanol. I have supported renewable portfolio standards—all things that big corporations in America don't like. But we have been successful in doing it.

I have relentlessly chased the bad players in the petroleum industry at all levels, both legal and illegal. As chairman of the Senate Finance Committee, we closed over \$10 billion in tax provisions that the President signed into law, shutting down fuel fraud and folks stealing fuel excise taxes from the Highway Trust Fund. These are real provisions, collecting \$10 billion of taxes that were evaded that will no longer be evaded.

So what are the facts concerning the track record of the previous Congress and the President of the United States on energy policy and promoting renewable and alternative energy, and what is wrong with the rhetoric of the last campaign that led people to believe it was something different than we ended up passing? We extended and expanded the production tax credit for electricity produced from renewable sources such as wind, biomass, geothermal, and landfill gas. We enacted tax credits for the purchase of hybrid fuel cells and advanced lean burn diesel vehicles. We enacted incentives for the production and use of ethanol and biodiesel and the infrastructure to disperse that fuel.

The distinguished Presiding Officer contributed the idea behind doing that, so we would set up more biodiesel pumps at stations through the 30-percent tax credit that the Senator from

Illinois thought of. I thank him for that idea. I was very happy to work with him on that. That is the distinguished Presiding Officer. We enacted the first ever renewable fuel standard for ethanol and biodiesel that has led to fantastic growth in the industry.

With regard to energy efficiency, we enacted incentives for efficiency improvement for new and existing homes and commercial buildings and for energy-efficient home appliances.

According to the clock in the other body, we are still somewhere within the first 100 days of the new Democratic majority, and again we see another example of legislative action not living up to campaign rhetoric. A word of caution to voters across America: Beware of the goods that you might be sold during an election. That applies to both Republicans and Democrats as far as I am concerned. In the case of repealing the "big oil tax giveaways"—those are words used in the last election—from the Energy Policy Act, it turns out in fact to be a pig in a poke.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, we are debating an important piece of legislation. The American people are rightly frustrated with the process Congress uses to consider. That is to say, it is not done in the light of day and with full transparency. They believe lobbyists have too much influence on this institution. Last year, we tried to pass a lobbying reform bill to help clean up some of the ways that we do legislation around here. We were not able to come to an agreement between the House and Senate, so there is another effort underway this year.

I think this legislation is very important. Republicans support reform. We have been offering relative amendments to make Congress more accountable to the American people. More transparent. These amendments will address the problems that have existed for some time. The majority, however, is trying to end the debate on this bill. They are not willing to let the Senate consider some very important amendments that will improve how Congress handles the people's business. I will mention a couple of my own amendments to this legislation in just a moment. I would say that the majority would be right to cut off debate, if Republicans were strictly trying to obstruct passage of this bill. Then their parliamentary move would, I agree, be appropriate. But the minority is not being obstructionist. We have legitimate amendments that deserve to be debated and voted on. Senators deserve to be heard. It is not right for the majority to try to railroad this piece of legislation through this body without giving Members their right to have amendments debated. Particularly when those amendments are not being used as a delaying tactic. I simply do not believe that is the way this institution should be run. That is why, last

night, 45 Senators voted against what is called cloture. That would have brought debate to a close and would have brought any attempt to improve this legislation to a close.

Let me give you two examples of legitimate amendments that have been offered and why they are important to be debated and voted on.

The first amendment I want to talk about addresses provisions where this bill falls short, particularly with respect to transparency and to allow the American people to observe how this Congress operates. Section 102 of this bill is an example of where the bill falls short. I commend the authors of the legislation for including this section. The intent is to stop the conferees from putting unrelated pieces of legislation in a conference report. Too often in the past conferees have inserted provisions in the conference that were completely unrelated to the bill. This simply is not the way the Congress should be legislating. The Senate should not bypass the regular legislative process. When we do, it means we are passing legislation, in some cases, without even holding a hearing. This process also denies Senators the opportunity to debate and offer amendments to improve unrelated provisions. But the most offensive part of this is that it is done outside of the public's view.

In a democracy such as ours, Congress should do its business in the full light of day. The entire Senate should consider, debate, and amend legislation in full view of the American public. I often hear from constituents who have concerns about legislation we are debating on the Senate floor. That feedback has always been important to me. I have always appreciated Nevadans who have taken the time to participate in the legislative process. So when we insert unrelated matters into a conference report, we deny the American people the chance to observe what we are doing, to participate in that process, and to be heard. That is why I fully support the intent of section 102 of the bill because the intent is to fix that which is broken.

In my review of this section, and after consulting with the Senate Parliamentarian's Office, I don't believe that the current language in this bill will work. This section will not change what we are saying needs to be changed. What do I mean? First and foremost, section 102 states that a Senator may object to a conference report that contains provisions that were not considered by the House or the Senate. That sounds good. As written, this sentence reads how rule XXVIII actually operates; that is to say that the point of order is raised against the entire conference report and not the offending provision or objectionable item in a conference report.

While the intent of section 102 is to allow a Senator to object to a single provision that is added into the bill, the bill is not written to allow that. My amendment makes it clear that the

point of order is to be raised against an individual item that is in the conference report and not the conference report itself. In other words, this small, simple change is absolutely critical to the process because if you want to strip something out of the bill, without my amendment you cannot strip a single provision out of the bill. You raise a point of order and it brings the entire conference report down. Why is that important? Well, let me tell you why it is important.

For instance, we had a port security bill last year. There was an unrelated item put into the port security bill. There may have been objections to that item, but if one had raised the point of order, it would have brought the whole port security bill down. Nobody wanted to do that. It was an important piece of legislation. Without my amendment, that is the way we would continue to operate.

But that is not what section 102 in this bill states. Its intent is to be able to surgically go in and cut out a piece that is added in the dead of night, behind closed doors, in a conference report—the types of things that, frankly, most Americans find objectionable. So this is one of the reasons that we should not be passing this legislation until the Senate has carefully considered each provision of this bill. We should allow for amendments to go forward, to be debated. We should make sure that we get things in this bill right before it leaves the Senate, so that when it is joined with the House's bill, we have done the best possible job to ensure that we cleaned up the way we do our business.

I have another amendment that I want to talk about. This illustrates the other important point of why it is important to allow Senators to have their time with amendments.

The minority—the Republicans in the Senate—want legitimate amendments to improve this legislation. I believe we should have the right to offer those amendments.

The second amendment I want to talk about is to ensure that our men and women in the military, those serving in harm's way, remain our top budget priority. I want to speak about protecting defense spending from being raided and used for nondefense purposes.

Over the past several years, there have been several congressional scandals that have undermined public confidence in government. It is my sincere hope that this legislation before us will be the first of many steps to restore that confidence. The message to both parties last November was that Congress has to change the way we operate. The American people will no longer accept some of the practices of the past, nor should they. It is up to this body to change our practices, to reform how Congress does the people's business. We should ensure that our dealings are transparent, that we are accountable, and that we are honest with the American people.

The tradition of America is that we rise to the occasion. Americans have a history of meeting the challenges that we face together. Each generation has met obstacles and overcome them. For Congress's part, we must be honest and straightforward with the American people about the nature of the challenges facing our Nation.

Unfortunately, in some respects, Congress has not lived up to its end of the bargain. We have been using sleight of hand and budget gimmicks to mask our out-of-control spending habits. Over the past 5 years, Congress has been underfunding defense in the regular appropriations process in order to shift some of those funds into what are called other discretionary programs that are nondefense items.

The game being played, with a wink and a nod, is that if we underfund defense in the regular appropriations process, we will then make defense whole with what are called emergency supplemental bills. In some instances, Congress has shifted as much as \$11.5 billion from defense to nondefense spending in just 1 single year. We know that emergency spending has increased substantially in each of the last 5 years.

I have a chart to illustrate this. In the years 1990 to 1993, under the first President Bush, we had a total of \$115 billion in emergency supplementals. During the Clinton administration, the total was just about the same, \$115 billion. Since President Bush has been in office, there have been a total of \$585 billion in emergency supplementals. Now, we have had 9/11, Katrina, and we have had the war against Islamic extremists around the world, including the wars in Afghanistan and Iraq, that account for most of that spending but not for all of it.

This increased reliance on supplementals coincides exactly with the same time period in which defense has been underfunded. The effects of this gimmick are not felt just in 1 year either. Because of the way we do budgeting, called baseline budgeting, money that is shifted from defense in 1 year is really a permanent shift in funding. And, as a result, a \$1 billion shift represents not only a shift of \$1 billion this year, but that is put in the baseline next year and adds up cumulatively in perpetuity.

Let me point out exactly how this works and illustrate it. In 2002, \$1.9 billion in new spending was shifted from the Department of Defense. That new spending is built into the baseline in the next year. The green part of the graph is from the previous year. The red part on top of that is the amount that defense was underfunded and shifted into other programs that year. Take that and shift it into the next year, and on and on, where we have a total of 4 years later built into the baseline the \$29 billion that we have shifted from defense into other programs. That is one of the reasons spending is out of control in Wash-

ington, DC. What was labeled as defense spending is not spent on defense and is then being made up in supplemental appropriations bills. Which is a clever way to disguise increased spending in other places. People in Washington have talked about spending around here. They say we have held the line on spending, except for defense-related items. That is not true. We have actually been playing a smoke and mirrors game, and this chart illustrates that.

I believe what we are doing is not honest with the American people, and we have the annual budget deficits as a result of that. I mentioned before that it is important for us to be able to offer amendments. I would not be able to offer an amendment if cloture is invoked on this bill, and we should not cut off debate. This would be considered a nongermane amendment. It would not survive cloture, even though the point of this bill is to require legislative transparency. We are trying to make Congress' actions transparent and to clean up the budget process, however, the majority is trying to cut off debate on these critical reforms.

I am going to have one last chart to demonstrate the effect of this budget gimmick. The total effect of underfunding defense and playing this game has cost the American people. This last chart, when one totals the cost of this gimmick up, is \$84 billion. We have shifted \$84 billion by using these budget gimmicks. \$84 billion that was shifted from defense to nondefense programs. Then we backfill the defense accounts with supplemental appropriations.

We need to have honest budgeting around this place. We need to be honest with the American people. If we are going to appropriate money for defense, let's do it for defense. If it has to be for some other program, let's be honest with the American people and stop playing these budget gimmick games.

If we are going to have transparency in Government, we should have transparency in Government. Accountability in government. That is what this bill is supposed to be about. It is what we are telling the American people that we intend to do. This amendment, along with the one I discussed earlier, are very important to ensure that we end the games and that we end the gimmicks. This amendment ensures that we tell the truth to the American people.

Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

OFFICE OF PUBLIC INTEGRITY

Ms. COLLINS. Mr. President, last night the Senate voted not to invoke cloture on the ethics and lobbying reform legislation we have been considering for the past couple of weeks. I come to the floor this morning to explain why I voted to continue debate on this bill to which, as the Presiding Officer knows, I am very committed and have worked very hard on in the past Congress.

First, then, let me emphasize that I remain committed to passing a strong lobbying reform and ethics bill. I have said before and I will repeat that before we can conduct the business of the people of this country, it is important that we reform our practices.

We need to strengthen the lobbying rules and the ethics rules to increase disclosure and to ban practices that might call into question the integrity of the decisions we make.

We need to assure the American people that the decisions we make are in their interests, that they are not tainted by undue influence or influence by special interests.

The underlying bill, S. 1, is the same bill that last year was the bipartisan product of the Senate Committee on Homeland Security and Governmental Affairs, which I was privileged to chair. It is a good bill and it remains a good bill.

Over the past week and a half, we have debated and voted on amendments that have further improved the legislation before us, and the Senate is making good progress. However, as much progress as we have made, this bill has not reached the point where we should invoke cloture and cut off debate.

Some observers of the Senate may not understand that invoking cloture means that all amendments to this bill that are not germane can no longer be considered. The term and test for germaneness severely limits the types of amendments that can be considered, and many of these amendments—although they are not technically germane to the bill—are nevertheless very relevant to the bill. And perhaps the most important of these amendments is the Collins-Lieberman amendment that would create an Office of Public Integrity.

I know the Presiding Officer has been a strong supporter of an Office of Public Integrity as well, as has the Senator from Arizona, Mr. MCCAIN. The four of us have worked very hard on that concept.

I strongly believe we will have failed our test of producing a truly strong and complete ethics bill if we leave out the enforcement angle, if we do not create an Office of Public Integrity to conduct impartial, independent investigations of allegations against Members of Congress.

The other provisions of this bill are very important and very good, but we cannot ignore the enforcement piece. We need an Office of Public Integrity.

I realize that leaders on both sides of the aisle disagree with me on this

issue. I realize I am not likely to prevail. But surely we deserve a vote. But if we invoke cloture before there is a vote on the amendment that Senator LIEBERMAN, the Senator from Illinois and the Senator from Arizona and I have offered, our amendment will fall. It will not pass the strict germaneness test, even though it clearly is relevant to the underlying bill. I think that is wrong. I think we deserve a vote on the Office of Public Integrity. People feel strongly on both sides about this issue. It doesn't break down along party lines. As I said, the two leaders of the Senate are both opposed to the concept. But surely they ought to give us a vote. That is all I am asking. Let's have the Senate go on record on whether this independent office should be included in this bill.

I wish to make sure, since there was a lot of debate about this last year, that everyone understands the key role that the Ethics Committee would continue to play. All the Office of Public Integrity would do is to handle the investigative stage. It would still be up to the Ethics Committee to make critical decisions on whether to proceed with the case. The Ethics Committee would decide what is reported publicly. The Ethics Committee would decide whether action to penalize a Member should be taken. It would be the Ethics Committee that would still have tremendous authority in this whole process, but it would be combined with this independent Office of Public Integrity that would ensure an impartial investigation of allegations and, thus, would help restore public confidence in our ethics system. Isn't that what this debate is all about? It is about restoring public confidence that the decisions we are making are made in the best interests of the American people. I believe that an ethics bill without the Office of Public Integrity is an incomplete response to the concerns so clearly expressed by the American people in the elections last fall.

Again, the underlying bill is a good bill. It is essentially the bill that was reported by the Homeland Security and Governmental Affairs Committee last year. We have made it even better with some of the amendments we have adopted. Let's complete the task. Let's go the rest of the way down the road. Let's create an Office of Public Integrity. But if it is the will of this body not to create an Office of Public Integrity, the American people deserve to know that also.

So I want a vote. I am not going to vote to cut off debate on this bill until we get a vote on the Office of Public Integrity. The American people deserve to know where every Member of this body stands on this important issue. There are different views. There are legitimate views both for and against the office, but we deserve a vote on this issue.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. OBAMA. Mr. President, I would like to speak briefly on what is a roiling debate not only in the Senate but across the country and that is the President's policy with respect to Iraq. There are countless reasons the American people have lost confidence in the President's Iraq policy, but chief among them has been the administration's insistence on making promises and assurances about progress and victory that do not appear to be grounded in the reality of the facts. We have been told we would be greeted as liberators. We have been promised the insurgency was in its last throes. We have been assured again and again that we are making progress and that the Iraqis would soon stand up so we could stand down and our brave sons and daughters could start coming home. We have been asked to wait, we have been asked to be patient, and we have been asked to give the President and the new Iraqi Government 6 more months and then 6 more months after that and then 6 more months after that.

Now, after the loss of more than 3,000 American lives, after spending almost \$400 billion after Iraq has descended into civil war, we have been promised, once again, that the President's plan to escalate the war in Iraq will, this time, be well planned, well coordinated, and well supported by the Iraqi Government. This time, we didn't have to wait to find out that none of this seems to be the case. Already, American military officials have told the New York Times that there is no clear chain of command between Iraqis and U.S. commanders and no real indication that the Iraqis even want such a partnership. Yesterday, Prime Minister al-Maliki, the person whom the President said had brought this plan to us, the man who is supposed to be our partner in chief for this new plan, told foreign journalists that if the United States would only give his Army better weapons and equipment, our soldiers could go home.

The President's decision to move forward with this escalation anyway, despite all evidence and military advice to the contrary, is the terrible consequence of the decision to give him the broad, open-ended authority to wage this war back in 2002. Over 4 years later, we can't revisit that decision or reverse some of the tragic outcomes, but what we can do is make sure we provide the kind of oversight and con-

straints on the President this time that we failed to do the last time.

I cannot in good conscience support this escalation. It is a policy which has already been tried and a policy which has failed. Just this morning, I had veterans of the Iraq war visit my office to explain to me that this surge concept is, in fact, no different from what we have repeatedly tried, but with 20,000 troops we will not in any imaginable way be able to accomplish any new progress.

The fact is that we have tried this road before. In the end, no amount of American forces can solve the political differences that lie at the heart of somebody else's civil war. As the President's own military commanders have said, escalation only prevents the Iraqis from taking more responsibility for their own future. It is even eroding our efforts in the wider war on terror as some of the extra soldiers will come directly from Afghanistan where the Taliban has become resurgent.

The President has offered no evidence that more U.S. troops will be able to pressure Shias, Sunnis, and Kurds toward the necessary political settlement, and he has attached no consequences to his plan should the Iraqis fail to make progress. In fact, just last week, when I repeatedly asked Secretary Rice what would happen if the Iraqi Government failed to meet the benchmarks the President has called for and says are an integral part of their rationale for escalation, she couldn't give me an answer. When I asked her if there were any circumstances whatsoever in which we would tell the Iraqis that their failure to make progress means the end of our military commitment, she could not give me an answer. This is simply not good enough. When you ask how many more months and how many more dollars and how many more lives it will take to end the policy that everyone now knows has not succeeded, "I don't know" isn't good enough.

Over the past 4 years, we have given this administration every chance to get this right, and they have disappointed us many times. But ultimately it is our brave men and women in uniform and their families who bear the greatest burden for these mistakes. They have performed in an exemplary fashion. At no stage have they faltered in the mission that has been presented to them.

Unfortunately, the strategy, the tactics, and the mission itself have been flawed. That is why Congress now has the duty to prevent even more mistakes and bring this war to a responsible end. That is why I plan to introduce legislation which I believe will stop the escalation of this war by placing a cap on the number of soldiers in Iraq. I wish to emphasize that I am not unique in taking this approach. I know Senator DODD has crafted similar legislation. Senator CLINTON, I believe, yesterday indicated she shared similar views. The cap would not affect the

money spent on the war or on our troops, but it would write into law that the number of U.S. forces in Iraq should not exceed the number that were there on January 10, 2007, the day the President announced his escalation policy.

This measure would stop the escalation of the war in Iraq, but it is my belief that simply opposing the surge is not good enough. If we truly believe the only solution in Iraq is a political one—and I fervently believe that—if we believe a phased redeployment of U.S. forces in Iraq is the best—perhaps only—leverage we have to force a settlement between the country's warring factions, then we should act on that. That is why the second part of my legislation is a plan for phased redeployment that I called for in a speech in Chicago 2 months ago. It is a responsible plan that protects American troops without causing Iraq to suddenly descend into chaos. The President must announce to the Iraqi people that, within 2 to 4 months, under this plan, U.S. policy will include a gradual and substantial reduction in U.S. forces. The President should then work with our military commanders to map out the best plan for such a redeployment and determine precise levels and dates.

Drawing down our troops in Iraq will put pressure on Iraqis to arrive at the political settlement that is needed and allow us to redeploy additional troops in Afghanistan and elsewhere in the region, as well as bring some back home. The forces redeployed elsewhere in the region could then help to prevent the conflict in Iraq from becoming a wider war, something that every international observer is beginning to worry about. It will also reassure our allies in the gulf. It will allow our troops to strike directly at al-Qaida wherever it may exist and demonstrate to international terrorist organizations that they have not driven us from the region.

My plan would couple this phased redeployment with an enhanced effort to train Iraqi security forces and would expand the number of our personnel—especially special forces—who are deployed with Iraqis as unit advisers and would finally link continued economic aid in Iraq with the existence of tangible progress toward reducing sectarian violence and reaching a political settlement.

One final aspect of this plan that I believe is critical is it would call for the engagement by the United States of a regional conference with other countries that are involved in the Middle East—particularly our allies but including Syria and Iran—to find a solution to the war in Iraq. We have to realize that neither Iran nor Syria wants to see the security vacuum in Iraq filled with chaos, terrorism, refugees, and violence, as it could have a destabilizing effect throughout the entire region and within their own countries. So as odious as the behavior of those

regimes may be at times, it is important that we include them in a broader conversation about how we can stabilize Iraq.

In closing, let me say this: I have been a consistent and strong opponent of this war. I have also tried to act responsibly in that opposition to ensure that, having made the decision to go into Iraq, we provide our troops, who perform valiantly, the support they need to complete their mission. I have also stated publicly that I think we have both strategic interests and humanitarian responsibilities in ensuring that Iraq is as stable as possible under the circumstances.

Finally, I said publicly that it is my preference not to micromanage the Commander in Chief in the prosecution of war. Ultimately, I do not believe that is the ideal role for Congress to play. But at a certain point, we have to draw a line. At a certain point, the American people have to have some confidence that we are not simply going down this blind alley in perpetuity.

When it comes to the war in Iraq, the time for promises and assurances, for waiting and patience is over. Too many lives have been lost and too many billions have been spent for us to trust the President on another tried-and-failed policy, opposed by generals and experts, opposed by Democrats and Republicans, opposed by Americans and even the Iraqis themselves. It is time to change our policy. It is time to give Iraqis their country back, and it is time to refocus America's effort on the wider struggle against terror yet to be won.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG BARGAINING POWER

Mr. WYDEN. Mr. President, we all understand there has been an awful lot of heated rhetoric about this issue of Medicare and negotiating drug prices and how much savings will come about for the consumer.

I and the distinguished senior Senator from Maine have been working for well over 3 years, in a bipartisan way, on this issue. I and Senator SNOWE have been able to come up with an approach for dealing with this issue, helping the seniors of this country, helping the taxpayers of this country, and lowering the temperature of the debate about prescription drugs by showing

how Medicare can be a smart shopper without setting up some kind of big Government price control regime.

Throughout this discussion over the last 3 years, Senator SNOWE and I have repeatedly put into the legislation that we have brought to the Senate a strict prohibition on establishing any kind of price control regime or any kind of uniform formulary, which is essentially a list of drugs that restricts the choices for those involved—seniors or anyone else.

What Senator SNOWE and I have tried to do is lower the temperature on this issue, to try to zero in, in a bipartisan way, on the areas where it is important for the Secretary of Health and Human Services to be in a position of trying to have some negotiations to get a break for the seniors and for the taxpayers. I will use those words specifically. We are talking about what could be a negotiation—not going in with some arbitrary price and throwing around figures of \$1.20 a pill or something like that. We are talking about the opportunity for our Government to be a smart shopper, while steering clear of any price control regime. By the way, I know this was an important issue for the Presiding Officer as he campaigned to come here.

Senator SNOWE and I voted for the Medicare prescription drug program. I still have the welts on my back to show for it. But what Senator SNOWE and I said from the very outset, from the very time of the original Senate debate, is we were going to go to work on a bipartisan basis to try to fix those areas, such as the one identified by the Presiding Officer, the distinguished Senator from Rhode Island. We have set out to do just that. And in 2004, the Congressional Budget Office sent us a letter saying we were heading in the right direction.

Senator SNOWE and I said from the beginning we have to make sure that seniors and taxpayers get a good deal when we have what are called single-source drugs, monopoly drugs. These are drugs where there isn't any ability to have the kind of leverage and clout we would like to have in the marketplace.

In 2004, the Congressional Budget Office sent me a letter that there could be savings if negotiations were permitted on single-source drugs for which there is no therapeutic equivalent. It is common sense, it seems to me, when the Congressional Budget Office says there could be savings in one kind of area, we would want to add that. The distinguished chairman of the Committee on Finance, Senator BAUCUS, puts it pretty well. Senator BAUCUS says: Why don't you add that to your cost containment tool box? Senator BAUCUS has said what we need is a variety of ways to hold down the cost—he calls it, in my view correctly, a kind of tool-box approach to making sure seniors and taxpayers get a good deal. What Senator SNOWE and I have said is let's make sure that tool box that Senator BAUCUS has been talking about

zero in on this question of single-source drugs, where we do need some bargaining power.

There are some who have said the only possible way to have negotiations is if you set up some kind of one-size-fits-all national formulary. They say: The VA has one. Gosh, you all in the Senate would not want to limit the drugs available to our country's seniors.

Let me make it clear what Senator SNOWE and I are doing rejects that approach. We are not talking about a nationwide formulary or some kind of list of drugs that restricts seniors' choices.

By the way, when the former Secretary of Health and Human Services, Tommy Thompson, felt it was important to do the kind of thing Senator SNOWE and I are talking about on the drug Cipro, Secretary Thompson did not go out and set up a nationwide formulary. He didn't say: We are going to say the price of the pill is \$1.27. He did not set up some kind of arbitrary price-control regime. Secretary Thompson, in his last meeting with the press when he was leaving the Department, said he wished he had the power to bargain under Medicare.

Secretary Thompson did exactly the kind of thing that I and Senator SNOWE have been talking about. He said we have to make sure that the consumer and the taxpayers get a good deal for Cipro. Secretary Thompson did not set up a nationwide formulary. Secretary Thompson did not set up some price-control regime. Secretary Thompson did not say: It is going to be \$1.27 per pill. He said: Let's negotiate, let's talk, let's go back and forth as everyone does in the marketplace in Rhode Island, Oregon and everywhere else across the country. Let's ask: What are we going to do to make sure that everyone gets a fair shake?

That situation, of course, was an emergency, because we had anthrax. But as the Senator from Rhode Island has pointed out a number of times over the last few months, for a lot of seniors, trying to afford prescription medicine is kind of like having a new emergency every day.

Secretary Thompson said: Yes, we have a big emergency on this anthrax situation. I think the Senator from Rhode Island knows exactly what I see when I am home in Coos Bay, John Day, Pendleton, or Gresham, Oregon, and everywhere else. For a lot of seniors in this country, every day is an emergency with respect to being able to afford their medicine. Those seniors ought to know that their Government, in the case of the single-source drug, for example, where there is monopoly power, can bargain in those kind of instances without price controls, without a nationwide formulary. That is what Senator SNOWE and I and others, on a bipartisan basis, wish to stand up for—to help those seniors and those taxpayers.

Now, some have argued that as seniors get a better deal for Medicare, that

means higher prices for everyone else. They, also, argue that negotiations would not do anything. I don't know how one can make both arguments at the same time and make sense. Those two do not connect.

What Senator SNOWE and I wish to do is have a Medicare program that is a smart, savvy shopper. By being a better shopper, seniors and taxpayers are going to save. We know that no one goes to Costco and buys toilet paper one roll at a time. They shop smart. We ought to do that with Medicare.

I was pleased with last week's Committee on Finance hearing. Chairman BAUCUS and others said it is valuable to have additional information to know whether markets for drugs are achieving the best price possible. I and Senator SNOWE have been interested in that approach as well. We know there are a variety of pharmacies out there that can offer cheaper medicines to seniors without limiting the drugs available, and we find it hard to believe that Medicare cannot do exactly the same thing. Let us give Medicare the opportunity to do exactly the same thing that people do in New Hampshire, Texas, and Rhode Island; that is, to shop smart, look for a bargain, and don't set up nationwide price controls and don't set up a nationwide formulary that restricts the kind of drugs our seniors can get.

If we work in a bipartisan way, which is what Senator SNOWE and I have been trying to do on this issue for 3½ years, we can draw a line that promotes smart shopping in Medicare without going over the line to price controls and restrictive formularies. Let us try to lower the temperature on this particular debate by looking at ways to shop smart without price controls.

In 2004, the Congressional Budget Office said it would make a difference in at least one key area I have been talking about today. I believe it would make a difference in other key areas. I am looking forward, as a member of the Senate Committee on Finance, to working under the leadership of Chairman BAUCUS, on a bipartisan basis, to get this issue resolved because, as the Presiding Officer of the Senate has noted over these many months, this is not an abstract issue for the people most involved. Those are seniors walking on an economic tightrope. We don't know what will happen to medical costs this year, but we can make sure we use every possible opportunity without price controls to make the Medicare Program a smart shopper.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. GREGG. Mr. President, I rise to talk a little bit about the situation in

Iraq and how we are trying to deal with this as a nation. We need to start with, when we are discussing Iraq, what are our national interests and why are we engaged there.

Our basic national interest in Iraq is the protection of America, our desire to make sure that we are projecting our purposes in a way that reduces the ability of those who would wish to do us harm in this war against us, which was declared in the late 1990s, when it was obviously brought to our shores on September 11, that in that war we are best postured to make sure terrorists, specifically Islamic fundamentalists who wish to do us harm, are not successful. That is the first purpose of our engagement in Iraq.

The second purpose, of course, is to make sure our troops, who are engaged in pursuing this war on the ground in Iraq, are adequately funded and given the support they need in order to do their job and not be exposed to risks which would occur were they not adequately funded and supported.

It has been 5 years since we were attacked. That is the good news, that we have not been attacked for 5 years. Obviously, some of that is good fortune and luck, I suspect. But a lot of that is the result of a policy which has essentially said we are going to find the terrorists before they can find us, and we are going to bring them to justice. And we are going to also try to initiate a process where we establish, in the Middle East, an attitude that respects democracy, respects individual rights, respects the rights of women, and respects the approach of a marketplace economy.

In Iraq, we have attempted to accomplish that, and much has occurred in Iraq that has been good, although, obviously, there is a lot there that has occurred that has been unfortunate, and there have been mistakes made. But the fact is, they have gone through major election processes. They have elected a government. They have had a number of elections, where a large percentage of the population participated. Women have been allowed out of the household and are participating in society.

It remains, however, a nation which is torn by religious strife and cultural and deep ethnic differences. We have not been successful in being able to resolve that and nor have the Iraqi people been able to do that through their democratic process.

But the question becomes for us—in light of the President's request that there be an increase of troops, called the surge, of potentially 20,000 troops, especially concentrated in the Baghdad area, to try to bring more stability to that region—how do we approach this as we move down the road?

Well, I think we have to, as we approach this, keep in context what is our goal. Our goal is to protect us—America—from attacks by radical fundamental Islamic movements and individuals, terrorists specifically, and to

make sure our troops, who are in the field, are adequately protected and have the support they need in order to do their job correctly.

A precipitous, immediate pullout, which is the proposal that has come from the other side in a number of different scenarios, would, I suspect, lead to a number of results which would not be acceptable to us and would undermine our basic purpose, which is to protect America from further attack and to protect our soldiers who are in the field protecting us.

How do you manage a precipitous pullout that does not immediately lead to chaos in Iraq, where the sectarian and religious violence has escalated dramatically, where the potential that a client state of Iran will be set up, at least over a portion of Iraq, where safe havens will occur and result for al-Qaida in other portions of Iraq, and where even greater numbers of people—even though that may seem hard to understand—but where even greater numbers of people may die in Iraq, where a massive civil war, potentially in catastrophic proportions in relation to the population there, will precipitate?

I do not see how you avoid those occurrences if you immediately withdraw. An immediate withdrawal also leads to the issue of what happens to the troops who are left behind. You cannot get 130,000 troops out of Iraq overnight. It is going to take, even under the scenario laid out here by the Democratic leadership, 8 to 12 months to accomplish that. And if you are doing that in a compressed time—as is proposed by the recent language that has been put forward by some of our colleagues—if you compress that time, you are going to leave some troops behind at significant risk, much more significant risk than if they have the support mechanisms they need in order to do the job right.

Is the surge the right approach? Is this concept of 20,000 troops going to resolve this? Is that going to lead us to an Iraq that is more stable? I do not know the answer to that question. I have deep reservations that that is going to accomplish that goal. I have to admit, I suspect if we are able to stabilize certain sections of Baghdad, divided into nine districts, as is proposed—stabilize them in sequence or in parallel—that as you stabilize one district, you are going to push the people who are causing the problems into another place. It is not as if they are going to disappear or even probably be, for the most part, corralled. They are simply going to move.

So I am not sure it is going to accomplish its goal. But I do know this: It is the proposal put forward by the people who are on the ground and to whom we have given the responsibility of trying to address this issue of how you deal with an Iraq in the context of the problems which it has. To take the other option is to lead inevitably to a dramatic problem that will be immediate, both for us as a nation, because it will give potentially safe haven to al-Qaida and create an Iran client state, and it

will also lead to what I suspect would be a huge explosion in the area of civil war.

So although I have reservations, I, also, am not about to vote to cut off the support for the troops who are in the field. Now, I do not command those troops. I am a Senator. I am not the commander of the troops. The President is Commander in Chief. He has literally the unilateral authority to pursue this course of action, unless we vote as a Senate to cut off funding. And the practical implications of us doing that would mean that troops in the field would not have the money they need in order to undertake their own protection. That would be the result of us cutting off funds.

That is a vote I am never going to take or support because the first obligation we have is to those soldiers who are in the field. You may disagree with the Commander in Chief's position, but I do not think that as people who are charged with the responsibility of funding the troops in the field, that you take that disagreement to the point of putting them at risk. So that would not be a vote that I think would be a good vote for us, as a Congress, to take.

But it appears to me—listening to the debate as it has evolved here—there are some who wish to have it sort of both ways. They want to be able to say one thing but not do what they say. I almost am of the view that we should engage this at the level of substance, and we should have that vote. I am not going to vote for it, but we should have that vote. We should say: OK, if it is the position of the Democratic Party that they want to cut off funds to the troops in the field, if they feel that should be the course of action, so be it.

I happen to be attracted, more appropriately, or more positively, to the proposals of the Iraq Study Group. I think they have laid out a blueprint for us to pursue. I am not sure that is going to lead to anything that fundamentally resolves the problem in Iraq, as the problem in Iraq is religious and it is ethnic and it is cultural and it goes back a long way. But at least they have laid out a roadmap. I will not use that word because that word, obviously, has other implications. They have laid out a blueprint we can pursue and I believe we should pursue.

I, for example, think we should engage both Iran and Syria in diplomacy. I agree with former Secretary of State Baker on that point. The way you engage them—of course, that does not instantaneously give them credibility, but there are ways to engage governments that are so antithetical to us, as has been shown over the years, without giving them inordinate credibility as a result of that engagement. And I think that is appropriate.

So there are processes we could follow. But we have to, under any circumstances, get back to what is our basic purpose, I believe, as governors—and I use that term in the generic sense—and it is, A, No. 1, to protect

this Nation from another attack. And that means finding the terrorists before they find us and bringing them to justice. And the effort in Iraq was a legitimate and appropriate effort to try to support the construction of a state in the middle of the Middle East which would subscribe to democratic values, which would give its people the opportunity to have a pluralistic society, where individuals are respected, especially women, and as a result to build a center from which we would have the capacity to undermine the Islamic fundamentalist movement's philosophy that Western values are fundamentally at variance with the Muslim religion and the Muslim way of life. And I believe that is still a legitimate and valued purpose.

But it all comes back to how it protects us. And it protects us by creating an atmosphere where we can go to the Muslim world and say we are not your enemy, but we are actually an opportunity for you to have a better lifestyle, if you follow the course of action of liberty, freedom, individual rights, rights for women, and a market-oriented approach. That protects us. And that should be our first goal: the protection of America from further attack.

We should respect the fact that this administration has succeeded for 5 years in protecting us. Some of that is good fortune, as I said, but a lot of it is the fact that we have reached beyond our borders to find them before they could find those who wish to do us harm.

The second purpose must be to make sure the troops who are in the field have the support they need, not only financial and technical and logistical support but the moral support they need, so they know they are fighting for what is an American cause and is going to keep America safe—which they are. And we need to respect them. They are extraordinary young men and women who are on the frontlines of this war against terrorism and who are doing exceptional service for us.

So that is a brief outline of my thoughts on this matter. I notice, in the concurrent resolution which was submitted by some of our colleagues, they stated that the primary objective of the strategy of the United States in Iraq should be to have the Iraq political leaders make political compromise necessary to end the violence in Iraq. That is an objective, but that is not our primary objective. To make compromise? Whom are they going to compromise with, al-Qaida? Are they going to compromise with Iran?

That is not our objective. Our objective is to, hopefully, have an Iraq that is democratic, is pluralistic, and that is reasonably stable, that is not a client state of Iran, that is not a safe haven for al-Qaida.

Our primary purpose in Iraq is to create an atmosphere in the Middle East

where people will look at democracy, at liberty and say: It works. Even though I am Muslim, that works for me as a Muslim—where women have a chance to pursue their options, where market forces work.

Our other primary purpose in Iraq must be to make sure our soldiers, who are fighting for us and protecting us and who are engaged there, are properly supported as long as they are there. Our Commander in Chief has made a decision to move additional troops in there; and that those troops are equally supported.

It is, obviously, a difficult and torturous issue for us as a nation because we are a good nation. We do believe genuinely—I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. GREGG. Mr. President, if I could complete a quick thought and then turn to the Senator for his question, my thought was this: This is obviously a torturous issue for us as a nation, because we are basically a very good people. And our history shows that when we use force, we use it for the purposes of trying to free people, of giving people more options and a better lifestyle. We did it during World War I and World War II, and we did it throughout the Cold War. Our success is extraordinary. We have never sought territorial gain, and we do not. We seek to give people the opportunity to pursue the liberties and freedoms which were defined so brilliantly by our Founding Fathers. When we see something such as Iraq, where there seems to be such an inability of the culture to grasp these concepts, even though we are trying as hard as we can to give them that option, it is difficult.

But we still can't take our eye off the ball, which is to basically recognize that we are doing this for our national defense, as we try to stabilize a region that represents an immediate threat to us and has already damaged us more than any other event in our history has damaged us, other than potentially Pearl Harbor, and that we have troops in the field who need to be supported.

I yield to the Senator from Texas for a question.

Mr. CORNYN. I agree with the argument the Senator from New Hampshire has made about the importance of our prosecuting the war against terror and particularly what has been called by the terrorists themselves "the central front in the war on terror" in Iraq.

Some of our colleagues have introduced a resolution, which the Senator has spoken to, which is a nonbinding sense-of-the-Senate resolution. I heard others this morning talk about imposing caps on the number of troops we might deploy there.

I ask the distinguished Senator from New Hampshire, if it is so important that we not fail in Iraq and that the re-

gion not descend into either a failed state or a launching pad for future terrorist attacks or a regional conflict ensue, does he not believe it would be important for those who criticize the President's announced plan to offer a constructive alternative of their own, if they believe that the President's chosen plan is not the best course of action?

Mr. GREGG. Answering the Senator through the Chair, that seems to me to be the logical approach. As I mentioned earlier, there are some who seem to want the language of opposition but don't want the responsibility of opposition. If the case is that some believe we should have immediate withdrawal, then that ought to be put on the table in a context which would have the force of law and effect, and let us vote on that. I would vote against it, but let us vote on it.

Mr. CORNYN. If the Senator will yield for one final question.

Mr. GREGG. Yes, I yield to the Senator from Texas.

Mr. CORNYN. Notwithstanding the fact that we have a number of our colleagues running for President of the United States in 2008, and notwithstanding the fact that obviously we have Senators of different party affiliation, Republican and Democrat, isn't a matter of national security exactly the kind of issue that should rise above partisan divisions and upon which we should work to find common ground so we can protect the national security of the United States? I ask the Senator whether he believes that perhaps we have let our guard down and let this discourse become too political in nature rather than solution oriented?

Mr. GREGG. Responding to the Senator through the Chair, the Senator makes a good point. My big concern goes to the morale of the troops in the field. What are they thinking? What are they thinking as a young 19-, 20-, 22-year-old soldier in Iraq today when they hear this discourse going forward and they are asked to go out on patrol, and they are told that maybe the troops their military leadership says it needs to support them is an issue? It is a legitimate issue as to how long we should allow this to hang out there. Let's have the debate. Let's resolve our national position as to what it is going to be, at least for the next year, if we get that far, and resolve it so that we know where we are; otherwise, we do harm to our national policy, because it is so disruptive to have this many voices at the same time claiming legitimacy and, more importantly, it does harm to our troops in the field, which is my primary concern.

I thank the Senator from Texas for his questions and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent to be recognized to

speak for up to 10 minutes, followed by the Senator from Michigan for 10 minutes, followed by the Senator from Colorado for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I appreciate the comments made by the Senator from New Hampshire, Mr. GREGG, with regard to his concerns about the public debate in this body on the progress of the war against terrorism and, specifically, the role of the conflict in Iraq. I have to express some deep concern that on an issue so important to our national security, on the type of matter where we have historically said partisan differences should not extend beyond our shorelines, that we ought to try to work harder to find some solution to this problem for our country. I couldn't agree more with the Senator from New Hampshire: This is a matter of America's national interest and America's national security. That is our No. 1 responsibility. That ought to be our focus. We ought to focus on that like a laser and not be distracted by anything else.

I have heard, in addition to non-binding sense-of-the-Senate resolutions being offered, expressing disapproval of the President's proposed plan, suggestions this morning by the Senator from Illinois that he wants to put a cap on the number of troops that can be deployed in the battlefield. Perhaps there will be other efforts that come forward to try to one-up the other proposal, to micromanage the conduct of this very grave and serious matter which so directly affects our national security. While I disagree fundamentally that we ought to have any suggestion to our troops and to those who are in harm's way that we are going to undermine their efforts by cutting off funds to support our troops during a time of war or whether we are going to send non-binding sense-of-the-Senate resolutions in a way that will only encourage our enemies and undermine our war effort, or whether we are going to try to micromanage the conduct of the war rather than to rely upon the senior military leadership who has advised the President and been so much a part of the proposal that the President has made, I think this is all extraordinarily premature.

I hope if there is one thing we can all agree on, it is that we have a chance to be successful in Iraq. I know there are those who differ on what success would mean. The President has talked in impressive terms about his vision of establishing a democratic beachhead in Iraq in an area with too few democracies, because the fact is, democracies don't wage war against other democracies. It would be helpful to the long-term stability of the Middle East if that were successful. But I hear people giving up on that vision and saying: Well, the most we can hope for is what the Iraq Study Group said, which is to provide an Iraq that can be sustained, governed, and defended by the Iraqi people.

I would be satisfied at this time if we were able to accomplish that goal. I would hope that would be a goal we could all embrace. But I know there are two ways to fail in achieving that goal. One would be to give up and to have a precipitous withdrawal of our troops or to cut off funds to support our troops now or to try to micromanage from Washington, DC, how many troops are in the field or under what circumstances, what the rules of engagement might be. The other way is to actually try to see whether the President's proposal demonstrates any improvement or progress in Iraq, which I would think we would all welcome, if, in fact, that happens. But of course, we can't guarantee that. No one knows whether that plan will be successful for sure. I do believe the President has attempted to get advice from the very best military minds available—people such as GEN David Petraeus, who hopefully will be confirmed here shortly to serve as the head of coalition forces in Iraq; people such as Admiral Fallon, who will take over as CENTCOM commander—while continuing to rely on the advice of people such as GEN George Casey and GEN John Abizaid, whom those two gentlemen will be succeeding.

It strikes me as odd to say we are going to give up on this new plan, which many have clamored for months and maybe even years, before we have even had a chance to implement it. Indeed, the fact is we have had as many as 160,000 troops in Iraq at any given time, where now we have approximately 130,000. And even this so-called surge will not bring us up to the maximum number of troops we have had in Iraq at any given period of time.

I think we ought to take a moment and think about what is being proposed here in terms of nonbinding sense-of-the-Senate resolutions, attempts to micromanage the conduct of the war and the battlefield, because I truly believe if we are to allow Iraq to descend into a failed state, that it will, like Afghanistan did after the Soviet Union left, serve as a launching pad for terrorist organizations to train, recruit, and launch terrorist attacks to other parts of the world, including the United States, and that more American civilians will die as a result.

Of course, there is also the issue of a regional conflict. We have already heard from people such as the Saudis that if, in fact, the Iranians take advantage of the Shiites' momentum in Iraq in that there is ethnic cleansing of Sunnis in Iraq, that likely the Saudis will come in in an effort to prevent the ethnic cleansing of Sunnis, and there will certainly be other countries drawn into what will be a regional conflict.

It is not only responsible for the critics of the President's plan to say what they would do differently, but also to explain how they are going to deal with the consequences of a regional conflict in Iraq, should that happen. I do believe that is likely to happen unless we

try to see whether the President's plan, in consultation with bipartisan groups such as the Iraq Study Group and in consultation with the very best military minds in the world, has a chance of success.

I don't know of any American who would not support an effort to win and to stabilize Iraq, to provide a means for it to govern itself and defend itself if, in fact, that is in the best interest of the United States, which I believe it is.

Mr. KERRY. Would the Senator allow me to interrupt for a request and I will ask unanimous consent that the interruption not show in his comments?

Mr. CORNYN. I don't know what the interruption is for.

Mr. KERRY. I want to make request to get into the order, if I could.

Mr. CORNYN. I would prefer if the Senator wait until after I am through talking rather than interrupt my comments. I have no objection if he would like to be added to the end of the current unanimous consent request to be recognized after the Senator from Colorado. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. CORNYN. Mr. President, let me mention one other subject while I am up, and that has to do with the comments of the distinguished Senator from Oregon about Medicare prescription drugs and the success of the Part D Medicare prescription drug program. I don't know of many governmental programs that have met with more success than this prescription drug program, in terms of the acceptance of America's seniors and the way it has allowed them to get access to prescription drugs at a reasonable cost that they were never able to access before. But I do have grave concerns about those who would attempt to basically interfere with that successful program by imposing Federal controls on the price for which these pharmaceuticals may be charged under the guise of some negotiation. When the Federal Government negotiates with a private entity, there is no real negotiation; it is a take-it-or-leave-it proposition.

I pose as exhibit A to support that the current VA health care system, which is held out as a model by which this kind of negotiation could go forward. The fact is, the VA system is pointed to as a model by which this Government negotiation could occur, and today that system does not supply nearly the variety of pharmaceuticals to its beneficiaries the Medicare system does.

I have read in various places that the number ranges from 19 percent—I have heard as high as 30 percent—of the drugs that are available to Medicare beneficiaries are available to veterans under the VA system because of this feature. So when you impose price con-

trols, which is what is being advocated by those who want to change the current successful system of Medicare prescription drugs, basically, what we are going to find is a rationing effect. I would think that would be the last thing any of us would want to do—to ration the prescription drugs available to our seniors under the enormously successful Medicare Part D reform we passed in 2003.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, I rise today to speak to the Medicare prescription drug benefit. I have a different view, and the Michigan seniors and people with disabilities who are trying to access this program have a different experience and view than my friend from Texas.

As I said yesterday, I think it is incredibly important that we join with the House of Representatives to do the first step, which is to require negotiation for the best price on prescription drugs through Medicare. I also know there is incredible confusion, that seniors have been offered a variety of private choices but not the one that most seniors asked for, which is to be able to go through Medicare and sign up as they do for Part B and the rest of Medicare and get a good price. I also know there is great concern from seniors who find themselves in this gap, somehow being called a doughnut hole, but the gap in coverage where you continue to pay a premium but don't receive any help. There are a number of concerns I hope we are going to address.

Number 1 needs to be to say clearly that we want the Secretary to negotiate the best price for people. Right now, as we know, the law actually prohibits, actually stops the Secretary from using the bargaining power of all of the seniors and the people with disabilities on Medicare to be able to get the best price. Why in the world does that make sense? In fact, it doesn't make sense—particularly for something that is lifesaving; it is the major way we provide health care today from a preventive and maintenance standpoint, as well as in a crisis.

There are huge differences between the way the Veterans' Administration successfully serves our veterans and what is being done through, unfortunately, inflated prices through the Medicare system that not only seniors are paying, disabled are paying, but taxpayers are paying as well.

Yesterday, I talked about a report—and I want to talk to that today—from Families U.S.A. released last week, which looked at 20 prescription drugs commonly used by seniors. The results are startling. The report compares the prices the private Medicare Part D plans charge and the prices obtained by the VA, which negotiates for low drug prices on behalf of America's veterans.

It showed, again, what we have been seeing over the past year: For each of the top 20 drugs prescribed to seniors, the lowest prices charged by any of the top private Part D providers are higher than the price secured by the VA. It is not just a little bit higher, but in many cases it is astoundingly higher.

Let's look at some examples. I am mentioning specific drugs, not to pick on particular drugs, but we talked about the fact in the committee that transparency, the ability to compare price, and the ability for people to know what they are purchasing is very important. This is something we want the Secretary, on behalf of the people of America, to be doing—looking at the differences in these prices, and the particular points where there is a wide disparity, using their negotiating power to be able to step in on behalf of seniors and the disabled.

When we look at Zocor, which I mentioned yesterday—the drug many seniors use to control their cholesterol levels—the lowest VA price for a year is just over \$127. The lowest price under a private plan is \$1,485.96—over a 1,066-percent difference. That is astounding. I argue that you could still continue to work with the Federal Government and partner to do research and bring that price down.

Why should seniors pay \$1,359 more in a year for this particular prescription drug than veterans do? It is exactly the same drug.

Now, I also mentioned Protonix yesterday. It is the same thing. We are looking at \$214.52 for a year, the VA price, negotiating the best price, and \$1,148.40 with the lowest Part D plan, a difference of 435 percent.

It is the same thing as we go through the next one, which is Fosamax, which is a 205-percent difference, and on down.

We are talking about substantial differences in price—some smaller than others. But the reality is negotiation works. All we have to do is look at the fact that, on average, we are seeing a price difference of 58 percent between the Veterans' Administration and what is happening from the lowest possible plan with the top 20 most prescribed drugs for our seniors. In other words, for half of the drugs our seniors need most, the lowest price charged is almost 60 percent higher, and it is not demagoguery to say people are choosing between food and medicine. It is not. It is not an exaggeration to say that right now somebody is sitting down and deciding: am I going to pay the heating bill or get the medicine I need? That is the reality for people. We need to have a sense of urgency about fixing this.

I also want to speak to the fact that we have heard a lot about the VA. Unfortunately, we have heard things that are not true, according to information from the Veterans' Administration. Yesterday, I was asked if I knew there were well over 1 million veterans who moved to Medicare Part D. The asser-

tion was made that veterans were leaving the VA because the VA could not give them the drugs they wanted. I knew there were veterans who were adding Medicare Part D coverage. We went back to look and see what that was all about after I received that question. In fact, approximately 280,000 veterans have signed up for Medicare. They are not leaving the VA. In fact, it is not even clear that they are getting any drugs through Medicare at this point. They may have done it to add extra coverage. We are not sure what that mix is, but we are not talking about a million veterans or more running to leave VA because it is such a bad program.

Moreover, according to both the Government Accountability Office and the Institute of Medicine, the VA system is working well. According to the GAO, an overwhelming majority of VA physicians report that the formulary, the grouping of drugs that are available, allows them to prescribe drugs that meet their patients' needs.

The Institute of Medicine has reported that veterans believe their needs are being met. Access to drugs is an issue in less than one-half of 1 percent of the complaints about the VA health system. One-half of 1 percent relate an inability to be able to get the medicine they need.

I also need to point out that at our Finance Committee hearing last week it was mentioned that there are fewer drugs available to our veterans. In fact, we have heard it today on the floor. That is exactly the opposite of what is true. The VA actually has more drugs on its formulary, its list of available drugs. I have not heard anybody say, first of all, that we should take the VA system and impose it on Medicare. But there is a lot of misinformation about what is happening in the VA and what is happening for our veterans, and there is a lot we need to do to focus on the reality and the facts of the huge disparities, an average of 58 percent, and the highest is over 1,000 percent.

I find it very interesting that, on the one hand, we hear two different kinds of arguments occurring. One is that negotiation will make no difference in price. On the other hand, we hear we will lose lifesaving research because of negotiation. Those two arguments don't fit together, even though they are being made by the same people. We don't have to worry about research and development if, in fact, negotiation doesn't lower prices. I argue—and I think common sense dictates—that when you are looking at a 1,000-percent difference in price, at the fact that the American taxpayer is contributing, on average, at least as many dollars for research as the brandname industry is—overall, at least contributing that, because we want the lifesaving drugs—when you look at all of the facts, it doesn't add up; it doesn't add up for anybody but the industry itself to be able to argue that they want to keep the prices this high. I appreciate that.

Any industry that has such a significant advantage certainly wants to fight to keep it. But I am very hopeful we will join with the House in saying this is lifesaving medicine, it is not an optional product, and we have to get the best price for our seniors and for the disabled in America.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized under a unanimous consent agreement for 10 minutes.

ENERGY DEPENDENCE

Mr. SALAZAR. Mr. President, I rise today because our dependence on foreign oil is dangerously out of control and it is putting our Nation at risk. It is weakening our defenses and undermining our power around the world.

From my point of view, as I look at the defining issues of the 21st century, there is no doubt in my mind that our energy security is at the very top of those issues which we must address. We must address it because of national security implications, because of our economic security, and because of the environmental security of the United States of America.

First, with respect to the national security of our country, it is incredible to me that in this year, 2007, we are importing 60 percent of our oil from foreign countries, and 22 percent of the world's oil reserves are official sponsors of terrorism that are under some kind of U.N. sanction. When we look at the conflict underway in the Middle East, when we look at the tensions with Venezuela, we in the United States of America are putting our very national security at risk simply because of our overdependence on foreign oil.

Second, the economic security of the United States of America is very much at risk as well. We need to have a new energy economy that will produce jobs in the United States of America and give us stability with respect to the costs that go into our energy economy.

Third, the environmental security of our Nation is also very much at risk.

As we move forward to try to address issues such as global warming, it is important for us to address this issue from a national security point of view, an economic security point of view, and environmental security point of view. Therefore, I believe the Congress and President Bush, Secretary Bodman, and others who are involved in this effort have to get very serious about our energy security. It is time for us to put rhetoric behind us.

As we heard last week in the Senate Energy Committee, we have a pre-9/11 energy policy that is failing us in a post-9/11 world. We have an energy policy which is still a pre-9/11 energy policy, and it is failing us in this post-9/11 world. We must take dramatic steps to reduce our dependence on fossil fuels,

conserve energy with new energy-efficient technologies, and expedite the development of renewable energy resources. We must build a clean energy economy that restores our independence and our competitive advantage around the world.

For much of the last century, the United States has been the single most powerful Nation on this globe. We have been a clarion voice for freedom, democracy, and justice for all people. My father and 16 million young Americans served their country in World War II, defeating the Nazis and the fascists around the world, earning us our role on this globe of the most powerful Nation of the last century. Many died to achieve that legacy for the United States of America. My uncle was one of those 400,000 Americans who died in that conflict of World War II, leaving his life, his blood, and his spirit on the soils of Europe.

Today, our dependence on foreign oil is sapping the strength that the World War II generation built for us. Countries such as Saudi Arabia, Russia, and Iran are playing their oil holdings like chess pieces on a chessboard, applying pressure here, threatening there, and eroding U.S. influence around the world. Since 2001, China and Russia have partnered to lock up oil in central Asia, rolling us out of the region. Venezuela has wielded its resources to bully its neighbors and to oppose our interests in South America. And Iran has used its oil resources to court Russia and China, convincing them to oppose our diplomatic effort to stop Iran from building nuclear weapons. We ought not put our foreign policy in the hands of Iran or Venezuela or the sheiks and kings of the Middle East.

Countries that wish us harm know full well of our addiction to their oil. They know that any disruption in supply sends gas prices through the roof and slows our economy. And they are happy to profit from our addiction. Oil money lines the pockets of the terrorists, the extremists, and unfriendly governments. It helps the Syrians buy rockets, such as those the Hezbollah has in Lebanon today. It reaches bin Laden and al-Qaida. It funds the militants in Nigeria who capture and terrorize westerners. The sad truth is that we are funding both sides of the war on terror. We spent over \$100 billion last year to fight the extremists in Iraq and Afghanistan—extremists armed with weapons purchased from our oil revenues. It is crazy.

We are importing more oil today than we ever have. Over 60 percent of our oil—more than 12 million barrels a day—comes from abroad. The vast majority of this oil comes from state-owned oil companies in unfriendly countries. This is only going to get worse in the coming years. Take a look at who controls the world's oil reserves. If we look at the chart, the countries of Saudi Arabia, Iran, Russia, Iraq—and the list goes on—control most of the world's oil reserves, and

many of these countries are either unfriendly to the United States or have a shaky government around them. But we know one thing for sure: It is not the best interests of the United States they have at heart.

If our oil dependence continues, we will be relying on companies such as Petrovesa, Saudi Aramco, and Gazprom for our oil. What does this mean? It means that Saudi Arabia, Russia, Iran, and Venezuela will hold our very energy security in their hands, which means they hold our very national security in their hands.

We have to change course, and we have to change course now. We are no longer a world where oil costs \$12 a barrel. We no longer carry the illusion that others wish us no harm. We live in a complex and dangerous time. Yet we continue to depend on this pre-9/11 energy policy that simply is not working for us in this 21st century.

The good news is that the future of our Nation's energy security lies right here at home. It lies in our farms and in our fields and with the ingenuity of American workers and American technologies.

There are two things we can do immediately to improve our energy security. First, we can dramatically increase our energy efficiency. Improved efficiency is the cheapest and largest source of energy. The technologies that will save us energy and money are already in place, but Government policies often discourage consumers from using them. We have to be much smarter as a country about energy efficiency.

Second, we need to expand our domestic energy production from renewable energy sources. We have taken aggressive steps over the past few years to open new sources of oil and natural gas in this country. We see the effects of these policies throughout our country, especially in my State of Colorado where natural gas production has jumped over 50 percent over 2000, and we see it in the Gulf of Mexico where just a few months ago we in Congress opened millions of new acres for leasing.

But we have fallen woefully short on the renewable energy front. We have fallen woefully short. In last year's State of the Union Address, President Bush touted the virtues of cellulosic ethanol and solar power. He told the American people:

... We have a serious problem, we are addicted to oil.

And he indicated that he would make a serious commitment to renewable energy. That is what the President said a year ago in his State of the Union Address. Yet, in fact, that hasn't happened. The proof is that it simply is not in the budget, and the proof is that if you look at what has happened with renewable energy and energy efficiency, we are investing less in these initiatives than at the time President Bush became President. If you look at our renewable energy investments from

2001 to 2006, you see this line, this thin line. We have actually been investing less in renewable energy resources from 2001 until 2006. For us to have declined by almost \$100 million during that time period in terms of what we are investing in renewable energy means we are not walking the talk about what we can do with respect to renewable energy.

I also want to briefly demonstrate the reductions that have been made with respect to our investments in energy efficiency. Again, in 2001, we were investing about \$900 million to make this a more energy-efficient country. In the time that has passed in the last 5 years, now, in 2006, we are investing \$200 million less. So when people talk about getting energy efficient or investing in renewable energy, the fact is America simply is not walking the talk. We need to start walking the talk if we are going to get to energy independence.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SALAZAR. I ask unanimous consent to speak for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I thank my friend and colleague from Massachusetts, Senator KERRY, for being patient.

We need to move forward to start walking the talk, and the first step is for President Bush, when he comes before the Congress for the State of the Union Address, to talk about energy independence, but to make sure the budget that is put on the table for Congress to consider is a real budget that is robust in terms of how it will move us forward with respect to renewable energy, with respect to alternative technologies, and with respect to investments in a greater energy-efficient economy. This is an imperative for the United States of America, and unless we move forward aggressively in a bipartisan fashion, bringing conservatives and progressives, Democrats and Republicans, together on this initiative, we will be compromising the national security of the United States in a manner that is absolutely inexcusable.

I look forward in the days ahead to working with my colleagues as we move forward with a robust energy package that will get us to energy independence.

I thank the Chair, and I yield the floor.

Mr. KERRY. Mr. President, first, let me begin by congratulating my colleague from Colorado on his comments, which are important. As I think the Chair knows, during the course of the 2004 cycle, I made energy independence one of the centerpieces of the campaign. In fact, I am proud that I was the first Presidential candidate to ever advertise in a campaign on that topic. We tried to lay out why and how it is

so critical to the security of our country, the health of our country, the economy of our country, and the jobs that would be created. Of course, in terms of environmental protection, it is common sense. There are huge gains to be made with respect to efficiency. Efficiency, in fact, is the largest place available to grab CO₂ out of the atmosphere, which is the biggest problem with global warming, global climate change. So there is an enormous agenda here. In fact, this administration isn't even in the game. It is sad when you measure it against the demands of the country.

So I appreciate what the Senator has said. This is something that has to become a priority over the course of the next days here, and we are going to do everything in our power to help make it so.

TRIBUTE TO PAUL TSONGAS

Mr. KERRY. Mr. President, 10 years ago today, this country lost a leader and this Chamber lost a colleague, and Massachusetts lost a favorite son. Ten years ago today, cancer took Paul Tsongas from us prematurely at 55 years of age. He left three wonderful daughters: Ashley, Katina, and Molly, and his special and extraordinary wife Niki, and he left an enormous number of friends and people whom he touched and affected across the country, those who joined him to help reform our politics.

Paul was a very different kind of public person. He walked his own path. He walked to his own tune. Today we remember him and we join the people in Merrimack Valley and across Massachusetts and so many others who came to appreciate and respect him and learned a lot about him through his Presidential campaign. We honor a life that elevated those whom he knew, and the countless people he never met, but whose lives he affected through the things he fought for and believed in.

Paul Tsongas inspired with his optimism and his drive, his disarming humor, and his love of causes both distant and local. He was proud of his Greek heritage, proud of his roots as the son of a drycleaner, proud of Lowell, and he became a champion of environmental protection and expanding opportunity so the full measure of the American dream that he came to see as a young person himself was accessible to everybody else.

He set a high standard for public service which he continued even after he left the Senate. He continued out of office to work across the aisle proving, with former Senator Warren Rudman and their Concord Coalition, that balancing the budget was not a partisan agenda item and that fiscal discipline could, in fact, invigorate and not stifle the American economy. Paul Tsongas was a Democratic deficit hawk before it was popular and, I might add, together with Senator Gary Hart, was part of that new vanguard that helped

to define the defense issues of our Nation in a modern context.

He understood also that being a Democrat did not mean being antibusiness. In Lowell, Paul served as a city councillor and then later as a reformed county commissioner. He loved Lowell. He loved that old mill town where he was born. Even at the end of his life, he knew every single person there, from Main Street through the largest businesses, and he could still see where he had grown up from the house where he lived in his last days.

Paul came to Washington, where he worked with Tip O'Neill, Joe Moakley, Republican Sil Conte, and Ed Brooke in a bipartisan, golden age for the Massachusetts delegation. Paul's love of ideas and his love of Lowell helped trigger one of the earliest sparks of high-tech innovation in Massachusetts. Through his championing of early computer companies such as Wang and others, he helped to fuel the whole era of such stunning ingenuity that it changed the face of America and enhanced our technological leadership in the world. Paul helped Lowell reinvent itself after years of decline, and in 1978, he was elected to the Senate. After one term only in the Senate, he gave up his seat in order to be with his family and fight cancer. He was sustained by the loving support of his sister, his wife, and his daughters, whom he treasured. Paul at age 7, had lost his own mother to tuberculosis, so this idea of being with family during that kind of crucial time was particularly poignant to him.

As a friend of Paul's famously told him: No man ever died wishing he had spent more time with his business. Paul was first diagnosed with cancer in 1983 and he fought it courageously from that day forward. Right to the end of his life, he was tenacious in his support for the causes he believed in, in his fight against the devastating disease that eventually took him but never stole his spirit. Instead, he brought to the fight the same optimism and determination that made him so successful in the Peace Corps. In 1992, when in remission, Paul ran for the Presidency, and he ran one of the most bracingly honest and politically courageous Presidential campaigns of our time. His was a campaign defined by common sense and by that wry sense of humor more than it was defined by fiery oratory. He managed to win Democratic primaries in New Hampshire and three other primaries and four State caucuses before the man from Lowell finally ceded the nomination to the man from Hope.

Paul reached across the country to the distant shores of the Pacific as co-author of the Alaska Lands Act, which protected millions of acres of pristine wilderness. He made an admirable contribution to our environment. His aggressive policies to protect our natural resources were truly an investment in our future. He made life-long friends in Ethiopia as a result of his Peace Corps service in the early 1960s, proving even as a young man that his sense of the

world reached beyond the horizon and to cultures far from his roots.

Today, in Lowell, the name Tsongas graces a museum of industrial history, part of the National Park Service, where the full story, both good and bad, of the industrial revolution and the textile industry in Massachusetts is presented for thousands of visitors, young and old, every year. Today, the name Tsongas graces an arena where athletic excellence, a passion dear to Paul's heart, is practiced along with political conventions and trade shows.

So I rise today not only as the Senator who inherited his seat; I rise as an admirer and a friend. To know Paul Tsongas was to see up close what this business we work in means in people's lives, and the full arch of his time on Earth illuminates the larger impact each of us can have on our communities, on our State, and on our Nation.

That is why this day is special for this Chamber, a sad, proud memory for Lowell and for Massachusetts, and a moment to reflect on Paul's life and his contributions. It is hard to believe Senator Tsongas has been gone for 10 years. If he were with us today, Paul would be a strong voice full of insight, humor, and wisdom, all in that inimitable style, once modest, but incredibly forceful, the style we came to know and appreciate so much. Lowell, MA will miss Paul Tsongas, America misses him, but we remember him today.

Mr. KENNEDY. Mr. President, I would like to take a moment to join my colleague, the junior Senator from Massachusetts, to mark a significant and sad anniversary. Ten years ago today, America lost a great patriot, Massachusetts lost a great advocate, and JOHN KERRY and I lost a great friend when Paul Tsongas passed away after a valiant and courageous fight with cancer.

Paul Tsongas was the epitome of a public servant. From his time in the Peace Corps in both Ethiopia and the West Indies in the 1960s through his spirited campaign for the Presidency in 1992, Paul lived by the words my brother Jack believed so strongly, that each of us can make a difference and all of us should try.

Paul Tsongas tried his best to do so, all his life, and he made a large and continuing difference. To the people of his beloved Lowell, he proved that our great industrial cities can be reborn and renewed, with a creative emphasis on reshaping their great history to meet the needs of our current high tech economy. In the 1970s and 1980s, when America was moving inexorably to the suburbs and so many of our great urban centers were being hollowed out, many of our people found it increasingly difficult to see a bright future for urban areas decimated by the decline of manufacturing.

But today, across the country, a new movement has been born to encourage creative investment in our cities, and

one of the first models for how such efforts can succeed is the vision Paul Tsongas had for Lowell, MA.

F. Scott Fitzgerald may have said there are no second acts in American life, but Paul Tsongas could have responded, "Let him come to Lowell."

Paul served in the House and joined me in the Senate in 1978. He was someone I knew I could always count on to fight hard for the people of Massachusetts, and the Nation. He was tireless, determined, and always well prepared. Sometimes we would disagree on policy matters, here and there, but if you were going to challenge Paul, you had better have your facts straight because he knew what he was talking about.

He also was an outstanding campaigner. The conventional wisdom in politics has always been—at least as long as I can remember—that candidates with difficult to pronounce names have a small additional hurdle.

Paul had a silent "t" at the beginning of his name, and I will never forget how brilliantly he turned that small disadvantage into a major asset in his victorious campaigns for elective office.

He ran hilarious ads that had all these people struggling to pronounce his name, and none of them could do it. But by the end of the campaign, every voter could do the silent "t" and everyone loved the candidate who made fun of himself on TV.

It's a lesson that Paul would carry on throughout his courageous battle against cancer. Everyone faces obstacles—some great and some small. It's how we choose to deal with them that makes us who we are.

Paul Tsongas was an inspiration to all who knew him. The son of a Greek immigrant father and a mother who died of tuberculosis, he demonstrated again and again that through hard work, commitment, and a passion for doing what is right, all things are possible in our America.

He charted a new course for the city he loved. He authored the Alaska Lands Act to protect millions of acres of American wilderness, and he founded, with our former colleague, Warren Rudman, the Concord Coalition, which has become a highly respected force for fiscal responsibility since its creation in the early 1990s.

When the diagnosis of cancer was made, he left the Senate to spend more time with his wonderful wife Niki, his loving sister Thaleia, and his three daughters, Ashley, Katina, and Molly.

After completing his rigorous treatment, he threw his hat in the Presidential ring in the 1992 primaries and his candidacy helped fuel the movement to make Government accountable for its fiscal policies. He left an immense and enduring legacy.

We miss you, Paul. We miss your bravery and your commitment. We miss your friendship and concern, but we know you are resting in peace today after an extraordinary and well-lived life.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. For the information of the Senate, the Chair makes the following announcement:

The President Pro Tempore of the Senate and the Speaker of the House of Representatives, pursuant to the provisions of 201(a)(2) of the Congressional Budget Act of 1974, have appointed Dr. Peter R. Orszag as Director of the Congressional Budget Office effective immediately for the term expiring January 3, 2011.

The Senator from South Dakota is recognized.

Mr. THUNE. I thank the Chair.

(The remarks of Mr. THUNE and Mr. SALAZAR pertaining to the introduction of S. 331 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THUNE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL

Mr. CONRAD. Mr. President, I ask unanimous consent that S. Res. 32 be discharged from the Rules Committee and referred to the Committee on Small Business and Entrepreneurship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT THE POWER OF THE PEOPLE

Mr. BYRD. Mr. President, in the late hours last night, I took to the floor to decry some Senators who wish, if I may put it in this language, to sabotage the

ethics reform legislation with a dangerous and unconstitutional line-item veto proposal. What is happening is little more than political blackmail, and the American people—those people out there who are watching through the lenses above the President's chair, the American people—should be outraged. I have been around here a long time. I have spoken on this subject many times. This so-called line-item veto is an assault on the single most important protection that the American people have against a President, any President, who wants to run roughshod over the liberties of the people prescribed in the Constitution. Today I am talking about the congressional power over the purse. The congressional power that is right here, and over on the other side of the Capitol, the congressional power over the purse.

Weaken the power of the purse and one weakens strong—the word "strong" is too weak—one weakens oversight, for example, on this bloody nightmare of a war in Iraq. Get that? Weaken the power over the public purse and we weaken the oversight over this bloody war in Iraq. That is just one example. One weakens the power of the purse and one weakens the checks on a President who wants to tap into personal telephone calls or pry into bank accounts or tear open the mail. Without congressional power over the purse—money—there is no effective way to stop an out-of-control President who is bent on his way, no matter the price, no matter the repercussion. Make no mistake—hear me, now. The Roman orator would say, "Romans, lend me your ears." Make no mistake, this line-item veto authority would grant tremendous—I say tremendous and dangerous—new power to the President.

There are new Members of this body. Perhaps we ought to have some discussions about the line-item veto. The President would have unchecked authority to imperil congressional power over the purse, a power that the constitutional Framers felt was absolutely vital to reining in an overzealous President.

Eight years ago, the United States Supreme Court ruled that the line-item veto—hear me, Senators; you may be watching your boob tubes. Hear me. Eight years ago, the United States Supreme Court ruled that the line-item veto was unconstitutional. I said at the time that the Supreme Court saved the Congress from its own folly. But now, it seems, memories in this Senate are short and wisdom may be even shorter in supply. Here we are, on the heels of 6 years of assault on personal liberty, 6 years of a do-nothing Congress all too willing to turn its eyes from the real problems of the Nation, 6 years of rubberstamps and rubber spines—here we are, all too ready to jettison the single most important protection of the people's liberties: the power of the purse.

Let's review the record. We have a President—I say this in all due respect.

I respect the President of the United States. I respect the Presidency; I respect the Chief Executive. We have a President who already has asserted too much power while refusing to answer questions:

I am the commander—see, I don't need to explain—I do not need to explain why I say things. That's the interesting thing about being the President. Maybe somebody needs to explain to me why they say something, but I don't feel like I owe anybody an explanation.

Those are the words of our President, the very President who some in this body are all too willing to allow to dominate the people's branch, this branch, your branch—the people's branch of Government.

This President claimed the unconstitutional authority to tap into the telephone conversations of American citizens without a warrant, without court approval. This President claimed the unconstitutional authority to sneak and peek, to snoop and scoop into the private lives of you, the American people. This President has taken the Nation to a failed war—yes, to a failed war that we should have never entered into—based on faulty evidence and an unconstitutional doctrine of preemptive strikes, a doctrine that is absolutely unconstitutional on its face. More than 3,000 American sons and daughters have died in Iraq in this failed Presidential misadventure.

What is the response of the Senate? To give the President even more unfettered authority? Give him greater unchecked powers? It is astounding. We have seen the danger of the blank check. We have lived through the aftermath of a rubberstamp Congress. We should not continue to lie down for this or any other President.

Of course, this President wants to strip Congress of its strongest and most important power, the power of the purse. Congress has the ability to shut down the administration's unconstitutional practices. Congress is asking tough questions and demanding honest answers. Congress is taking a hard look at finding ways to bring our troops home from the President's misadventure in Iraq that has already cost the lives of more than 3,000 of the American people's sons and daughters. Of course, the President wants to control the Congress. Some Presidents have wanted to do this before—silence the critics, ignore, if you will, the will of the people seriously cripple oversight.

Strip away the power of the Congress to control the purse strings, then you strip away the power of the Congress to say "No more, Mr. President;" strip away the single most important power granted to the people in this Constitution. That is the White House demand. I, for one, will not kowtow to this President or to any President. I, for one, will not stand quietly by while the people's liberties are placed in jeopardy. No Senator should want to hand such power to the President. No Amer-

ican should stand for it—not now, not today, not tomorrow, not the day after tomorrow, not ever.

Just a few weeks ago, Members of the Senate took an oath, "I do solemnly swear that I will support and defend. . . ." This is in our oath, my oath, that I have taken several times.

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

That is the oath I take: "So help me God."

If our Republican colleagues want to stop the Senate's efforts to end the scandals that plagued the last Congress, that is their right. If our Republican colleagues want to stop the first increase in the minimum wage in the past decade, that is their right. But I, this mountain boy from the hills, will not stand with them. And the American people will see through this transparent effort to gut ethics reform.

I, as one Senator with others, if they will stand with me, will do my very best to support and defend the Constitution of the United States. Yet I will bear true faith and allegiance to this Constitution and to the people of this great Nation, defying an effort to weaken the power of the purse.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I will speak briefly on the second look at waste amendment which I have offered which has generated a fair amount of interest and discussion in this Senate. It is an amendment that essentially is an enhanced rescission amendment. It is not a line-item veto.

I am a great admirer of the Senator from West Virginia. I have enjoyed serving in the Senate and being educated by him on all sorts of issues. I respect his view on the importance of the power of the purse and identify with it. That is the essence of the legislative branch's source of power. But I must respectfully disagree with his characterization of this amendment, and I believe I can defend that position effectively and respond to the points he has made and make it clear to our colleagues that we are not voting on line-item veto.

Back in 1995, a line-item veto was given to the President. It was ruled unconstitutional. This amendment is not that proposal or anything similar to that proposal.

I said earlier today, to compare this amendment to the line-item veto

amendment is akin to comparing the New England Patriots to the Buffalo Bills. They may be in the same league, but they have no identity of ability or purpose, as far as I could tell.

The enhanced rescission language which I have proposed—which is essentially second-look-at-waste language—the purpose of it is to give the Congress another look at provisions that may have been buried in a bill and which the executive branch thinks need a second look.

The enhanced rescission language which I have proposed essentially tracks the proposal that was put forward by, at that time, Senator Daschle as their alternative to the line-item veto. It has the same essential purposes, except it is weaker, quite honestly, than what Senator Daschle proposed. It allows the President to send up a group of rescissions, in our case four. Under the Daschle proposal, he could have sent up as many as 13 different packages.

Those rescissions, if a Member introduces them, must be voted on in a timeframe; the same thing as the Daschle proposal was. Those rescissions, under the Daschle proposal, were not referred to committee but under our proposal do go back to committees of authorization—a weaker proposal than the Daschle proposal.

Both Houses must act on the rescissions, not just one House, for the rescissions to survive, and they must be acted on with a majority—the same thing as the Daschle proposal.

The President is limited in the amount of time that he can hold the money. The timeframe under the Daschle proposal was, I believe, longer than under our proposal. I am not absolutely sure of that, but our proposal limits him to 45 days that he can hold that money, pending the Senate taking action.

There is some sunlight between the two because the Daschle proposal allowed motions to strike in specific instances, if there were 49 Senators agreeing to the motion to strike. I have said I am open to that as a concept, were we to get into a process of amending the proposal I have proposed. But that is an element of difference.

But there is very little else that is different between what I am proposing and what Senator Daschle proposed as his rescission package. This is not a line-item veto amendment. It reserves to the Congress the authority to make the final call. All it gives to the President is the ability to ask us to take another look at something. That is pretty reasonable in the context of what we see today because we see all these omnibus bills arrive at our doorstep, spending tens of millions, in some instances hundreds of billions of dollars, and in those bills a lot of language works its way in that could be suspect, a lot of earmarks, a lot of things which maybe do not have majority support, but the President gets this big bill. He

has to sign the whole thing or the Government shuts down or something else heinous happens.

So it is reasonable to say: All right, let's take out those earmarks and send them back up and give Congress another look. It gives the President no unique authority—no unique authority—that could be identified as a line-item veto. There is no supermajority which is the essence of a line-item veto, no capacity to go in and delete something from a bill which is the essence of a line-item veto. It simply gives him the capacity to say to Congress, four times: Take a look. See if these rescissions make sense.

The Daschle amendment was so far from a line-item veto that the most effective spokesperson in opposition to line-item veto in this Senate, in my lifetime, and probably in anybody else's lifetime, cosponsored the Daschle amendment. That was Senator BYRD.

So I would ask Senator BYRD to take a serious look at what I have offered and say: Aren't we dealing with apples and oranges? Yes, I can understand his opposition to line-item veto. That is fine. That is his position. It has been well said for years. The argument of the importance of protecting the power of the purse is a good one. It is critical—critical. But this rescission language does not affect that. It does not affect the power of the purse. It is not a line-item veto amendment and so far from it that it basically tracks the Daschle amendment.

In fact, I ask unanimous consent that the Daschle amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DASCHLE (AND OTHERS) AMENDMENT NO. 348
(SENATE—MARCH 21, 1995)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in an Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

"(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) DEFICIT REDUCTION.—

"(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION:

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that spe-

cial message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)),

shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

“(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

“(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

“(H) CONSIDERATION OF HOUSE COMPANION BILL.—

“(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

“(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

“(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

“(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

“(4) CONFERENCE.—

“(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

“(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

“(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either

the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

“(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(1)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

“(f) DEFINITIONS.—For purposes of this section—

“(1) The term ‘appropriation Act’ means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

“(2) The term ‘budget item’ means—

“(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

“(B) a targeted tax benefit.

“(3) The term ‘cancellation of a budget item’ means—

“(A) the rescission of any budget authority provided in an appropriation Act; or

“(B) the repeal of any targeted tax benefit.

“(4) The term ‘companion bill’ means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

“(5) The term ‘targeted tax benefit’ means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.”.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking “and 1017” and inserting “1012A, and 1017”; and

(2) in subsection (d), by striking “section 1017” and inserting “sections 1012A and 1017”.

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

“Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.”.

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

Mr. GREGG. As to this amendment, on March 23, Senator BYRD rose and said: “. . . I am 100 percent behind the substitute by Mr. Daschle, and I ask unanimous consent that my name may be added as a cosponsor.”

This amendment is essentially what I have offered as the second-look-at-waste amendment. In fact, I will be honest, I would be willing to probably modify my amendment to basically track the Daschle amendment exactly. I have some differences with the Daschle amendment. I do not think in some places it is constructed as well as mine because it has 13 shots from the President. I happen to think that is a mistake. And it is not referred to committees, which I think is a mistake. I would be willing to offer it. If that is what it takes to mute the argument that this is a line-item veto amendment, then I will do that because this is not a line-item veto amendment.

So my immense respect for the Senator from West Virginia and my very high regard for his arguments as to why he opposes the line-item veto remain. I continue to have enthusiasm in both those accounts for him. But I have to say I think for him to characterize this amendment as a line-item veto amendment is incorrect. This amendment is much better characterized as being close to, in fact, the child of, the Daschle amendment of 1995, which had broad support on the other side of the aisle, as I have already mentioned.

With that, Mr. President, I yield the floor.

Mr. LOTT. Mr. President, will the Senator withhold his yielding the floor? I would like to ask him a few questions.

Mr. GREGG. Of course.

The PRESIDING OFFICER. The Republican whip.

Mr. LOTT. Mr. President, I thank Senator GREGG for his work in this area and for the several speeches he has given on this matter over the last few days. I have found it very informative. I hope we have something worked out where we can actually get a vote on this issue. It is still the Senate and, generally speaking, we try to accommodate Members' wishes to discuss an issue and get a vote.

But a little bit of history: I worked very hard, as I pointed out yesterday, on line-item veto legislation, and we got it done. The first time it was used I was very disappointed in the way that President Clinton used it. I thought the veto list had some serious political implications and was very disappointed in that and wondered if I had done the right thing. Then, of course, the Supreme Court struck it down. And now we are back here.

Now, tell me again—where a layman can understand—why is this so-called enhanced rescission?

Mr. GREGG. Second look at waste.

Mr. LOTT. Second look at waste. I like that. I like them taking another look at waste. And I like putting it

against the deficit. In fact, I remember back in the 1970s arguing that a President should be able to rescind funding, not spend money that Congress said he should spend because they had been doing it back since the time of Jefferson. That led to, in 1974, the Budget Empowerment Act, which stopped President Nixon and subsequent Presidents from doing that.

There is no question that we sometimes adopt bills that spend funds that should not be spent or events overtake spending. I think there should be some process for a President to get a reconsideration. There may be better ways to use that money. But I do think we have a constitutional role in that too. Once we indicate this is where we think it should be spent, the overwhelming burden should be to explain why not.

The question to you, I say to the Senator, is this: No. 1, why is this different from the line-item veto that we passed that was stricken down by the Supreme Court?

Mr. GREGG. Well, the fundamental difference from the line-item veto is that it does not require a supermajority to reject the idea of the President. It requires a majority of both Houses—both Houses have to have a majority vote in favor of the President's position. Therefore, either House can strike down the President's position. So you retain—we, the Congress—the power of the purse.

Mr. LOTT. Was there language in the Supreme Court that indicated this sort of thing might solve their constitutional reservations?

Mr. GREGG. It is my understanding, from the constitutional lawyers whom we have had look at this, that this would solve the constitutional issues which were raised by a line-item veto because it is not a line-item veto.

Mr. LOTT. Why do you think it is necessary to have four bites at this apple? I am inclined to give Presidents a chance to send up a rescission list. I think it should have a vote. I think it should be an expedited procedure. I like the fact that if we do not spend it, he cannot turn around and spend it somewhere else and it goes to reduce the deficit. I can even see giving him a second bite later on in the year as long as it is not some of the same things a second time. And you took care of that concern I had last year.

But why four times? We will wind up spending half the year working on expedited proceedings to get a vote on rescissions, possibly.

Mr. GREGG. Well, Mr. President, the administration asked for 10 times. The Daschle amendment had 13 times. We reduced it to 4 times, for the exact point that the assistant Republican leader made, which was we did not think the Congress should be able to have these issues wrap up our schedule.

Under this schedule, each rescission would be subject to 10 days before it had to be voted on. I am perfectly agreeable, should we get this into a

process where we can amend it, as I said earlier, to include strike language or consider that and to also include language which would take it down to fewer times. That is not a problem, as far as I am concerned. We settled on four, arbitrarily, to say the least.

Mr. LOTT. Mr. President, I say to the Senator, I hear a lot of talk in this Chamber on both sides of the aisle about how we do worry about deficits and getting spending under control and getting some further disclosure or limits on earmarks. Some of that I do not even agree with. But there is a lot of positioning about how we need to get some better control on spending. Wouldn't this be one way to do that? "It would sort of help me before I do it again," sort of thing.

Mr. GREGG. To answer the Senator's question, absolutely, that is what it would do. It, essentially, would create another mechanism where Congress would have a light-of-day experience on things that tend to get buried in these omnibus bills and may have to make a clear call as to whether that spending was appropriate. So, yes, it is very much an issue of fiscal discipline. It is very much an issue of managing earmarks.

Mr. LOTT. Mr. President, we gripe about this earmark or that earmark. Usually it is somebody else's earmark, not our earmark. So we do position on that subject. But this is one last way to make sure those earmarks see the light of day and are reviewed, not in a way where the President can just summarily do it but where he can do it, and we have to face up and vote yes or no.

So I thank the Senator for what he has done. He has been a great chairman of the Budget Committee. I am looking forward to watching him and the Senator from North Dakota work together. I believe we might actually do some good things under yours and his leadership. I wish you the very best in that effort. Thank you.

Mr. President, here we are, the Sun has set on Thursday. It is a quarter to 6. The Sun officially went down at 5:13. We are like bats. The Senate will soon come out from wherever we have been. I am not blaming anybody on either side of the aisle, but I don't know what happened today. Somewhere back, I guess, about 2 o'clock all the combatants went to their respective corners, and there has not been a blow thrown since.

So some people might say: Do something about it. Well, I am trying to do something about it by shedding a little light on what we are not doing. We have been out here marking time all afternoon.

I know how it works. Papers are exchanged, amendments added and struck, and agreements are made. Hello, it is a quarter to 6. I had high hopes and I have high hopes that the Senate is going to find a way to work together and do a better job and that we work at 11 o'clock on Wednesday

morning instead of 11 o'clock at night. I know a lot of people don't agree with me on this, but I don't see why it is a good idea to be voting at 11 o'clock on Thursday night but not on Friday morning. I still think it is a really good idea to work during the daylight and go home and not have a meal with a lobbyist but have a meal with your family.

I don't know what else to do. I have called everybody involved. I have been to offices. I have been stirring around, scurrying around. Is there an agenda here? I don't get it. But I know what is going to happen. All of a sudden, we are going to come out of our cages and we are going to start a whole series of votes. Well, let's get started.

I notice the Presiding Officer is an old House Member. There was a clear rule in the House, an adage that was proven right every time, and that has been one of the problems with the House. More and more, the House tried to cram a week's worth of work into 2½ days, and they would have a series of votes at 11 o'clock—outrageous—at night. Any time you are in session beyond 9 o'clock, the odds are pretty good you are going to mess up, do something wrong and embarrass yourself.

So I would say to our leaders: We have an opportunity here to do a better job and to work with each other. But the last 2 days? Again, you might say: Well, it is because Senator GREGG had an amendment. Well, why don't we just vote and move on? People can say: Well, we are working out an agreement where we won't have a lot of votes. Well, we might just as well have a lot of votes. We are standing around giving speeches on something we are not even going to vote on. This is the kind of thing that I think leads to problems and tarnishes our image. I wish we could find a way to do things in a more normal way. But maybe the Senate can't do that. Maybe the Senator from Maryland will help us find a better way to do things as a new Member of the institution. I hope so.

I thought maybe I could draw somebody out, but I guess I was too general. Nobody has moved. The doors are still closed. I have half a mind to ask unanimous consent that we complete all votes on all amendments and all time be expired effective in the morning at 9 o'clock, and I will see you all tomorrow. Maybe I ought to do that. That would be good. Of course, I have no authority to do that, but somebody ought to do it to try to get this place to function normally.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope to speak at some length about the line-item veto at a later time. However, for the benefit of my colleagues, I want to respond to the arguments put forward today about two measures I endorsed in 1995 and 1996.

The Daschle amendment that I co-sponsored in 1995, and the amendment I offered to the motion to recommit the line-item veto conference report in 1996, are vastly different in regard to their Constitutional ramifications from what has been offered by Senator GREGG to the ethics reform bill.

The Gregg proposal allows the President to submit rescission proposals up to 365 days after he signs a bill into law. Such latitude would allow the President to unilaterally veto a one-year appropriation by delaying its expenditure, and then submitting it for rescission within 45 days of its expiration. In contrast, the proposals I endorsed in 1995 and 1996 would have limited a President to submitting rescission proposals within 20 days of a bill being signed into law. The proposals I have endorsed would have prevented the President from unilaterally cancelling a one-year appropriations. The Gregg amendment contains no such protection.

The Gregg proposal also prohibits amendments to the President's rescission requests. In contrast, the proposals I have endorsed would have allowed motions to strike. Without the right to amend, Senators are vulnerable to threats by any President who would target a Member's spending and revenue priorities and force the Senate to vote on them at a time and in the manner decided by the President.

I have the greatest respect for the Senator from New Hampshire, and the knowledge and expertise he brings to the Congressional budget and appropriations process. He is a good Senator. But I cannot endorse his views with regard to the line-item veto.

AMENDMENT NO. 31

Mr. FEINGOLD. Mr. President, I wish to speak on amendment No. 31, which I have offered with Senator OBAMA, and which, unless agreement is reached otherwise, will be voted on when we return to the bill in an attempt to finish it. We have offered this amendment to try to give some teeth to the so-called revolving door statute.

The shortcomings of the revolving door law have been known for some time. This bill already corrects two of them, and I strongly support those provisions.

First, it increases the so-called cooling off period—that is, the period during which restrictions on the activities of former Members of Congress apply—from 1 year to 2 years.

Second, it expands the prohibition that applies to senior staff members who become lobbyists. Rather than having to refrain from lobbying the former employing Senator or committee, staffers turned lobbyists may

not lobby the entire Senate during this cooling-off period.

These are important changes, but there is an additional reform that I believe we must adopt if the revolving door statute is to be a serious impediment to improper influence peddling.

My amendment would prohibit former Senators not only from personally lobbying their former colleagues during the 2-year cooling-off period, but also from engaging in lobbying activities during that period.

Let me talk for a minute about revolving door restrictions generally, and then I will discuss the need for this particular amendment. The revolving door is a problem for two basic reasons. First, because of the revolving door, some interests have better access to the legislative process than others. Former Members and staff, or former executive branch employees, know how to work the system and get results for their clients. Those who have the money to hire them have a leg up.

The public perceives this as an unfair process, and I agree. Decisions in Congress on legislation, or in regulatory agencies on regulations or enforcement, or in the Defense Department on huge Government contracts, should be made, to the extent possible, on the merits, not based on who has the best connected lobbyist.

The second problem of the revolving door is it creates the perception—perception—that public officials are cashing in on their public service, trading on their connections and their knowledge for personal profit. When you see former Members or staff becoming lobbyists and making three or four or five times what they made in Government service to work on the same issues they worked on here, that raises questions for a lot of people.

Both sides of this coin combine to further the cynicism about how policy is made in this country and who is making it. That, ultimately, is the biggest problem here. The public loses confidence in elected officials and public servants.

One of the worst things we can do here is say we are addressing a problem, knowing we are not getting at the core of the problem. That is what has happened with the revolving door. We have a so-called cooling-off period, which basically has become a "warming-up period." Former Members leave office and they almost immediately join these lobbying firms. Both they and their employers know they cannot lobby Congress for a year, but it does not matter. They can do everything short of picking up the phone or coming to the meeting. They can strategize behind the scenes. They can give advice on who to contact, what arguments to use, what buttons to push. They can even direct others to make the contacts, and say they are doing so at the suggestion of the ex-Senator in question, who is supposedly in the middle of this 2-year cooling-off period.

Making it a 2-year warming-up period does not do enough. We have to

change what is allowed during that period. Only then will the public believe we have addressed the revolving door problem.

The Lobbying Disclosure Act requires lobbying firms and organizations that lobby to report on how much they spend not on lobbying contacts but on lobbying activities. "Lobbying activities" is a defined term, covering "lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others." This term I just mentioned and defined has been in use for over a decade without controversy.

So the Feingold-Obama amendment simply prohibits former Members of Congress from engaging in lobbying activities for the 2 years following their congressional service. If the money spent on what the former Member is doing would have to be reported under the LDA, then the former Member cannot do it. Adopting this amendment will show the public we are serious about addressing the revolving door problem. It will make a real difference, which I fear simply lengthening the cooling-off period will not.

I have heard some complain that by doing this we are going after our former colleagues' ability to make a living and support their families. I strongly disagree with that.

According to a study done by Public Citizen in 2005, it is only in the last decade or so that lobbying has become the profession of choice for former Members of Congress. In any event, we are not talking about a lifetime ban, just a real cooling-off period for 2 years. Members of Congress are highly talented, highly employable people. Surely, their experience and expertise is of interest to potential employers for something other than trying to influence legislation right after they leave the House or the Senate.

There are many other kinds of work, including some that may be just as fulfilling, though perhaps not as rewarding financially, as representing private interests before their former colleagues. This is not a question of punishing those who serve in Congress. It is a question of Members of Congress recognizing that we are here as public servants, and when that service ends, we should not be allowed to turn around and transform it into a huge personal financial benefit.

If after sitting out an entire Congress—2 full years—a former Member wishes to come to Washington and lobby, he or she can do that. But some of the issues will have changed, and so will the membership of the Congress. The former Member will not have quite the same advantages and connections after a true 2-year cooling-off period. So even if these Members do become lobbyists at that point, I think we will be able to tell our constituents with a

straight face that we have addressed the revolving door problem in a meaningful way.

Let me emphasize one thing about this amendment. It does not apply to former staff. The reason is simple. We let, under this, former staffers leave this building and become lobbyists tomorrow. They are limited in what offices they can contact, but they are allowed to lobby. So preventing them from engaging in lobbying activities only with respect to certain offices would not make sense. But for former Members, who are prohibited from contacting anyone in the Congress, this additional prohibition actually makes a lot of sense and will have a real impact.

The American people are looking for real results in this legislation. We cannot claim to be giving them that with respect to the revolving door without this amendment. So I urge my colleagues to vote for the Feingold-Obama amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I listened with interest to my friend from Wisconsin. I have to repeat what I said on the floor before. I may be the only one—I am not sure—who has had experience with the revolving door, as one who went through it. I worked in the Nixon administration. The day after I walked out, I had a number of clients who wanted me to lobby them at my former department. I was at the Department of Transportation, and I was the chief lobbyist. We pretend that executive departments don't have lobbyists. We call them congressional relations specialists or congressional liaisons, but they are lobbyists. And I had been lobbying the Congress on behalf of the Department of Transportation.

In that role I got access to the Secretary's inner circle. And the day after I left, I was hired by people who had interests before the Department. There was no prohibition for that at that time. So I went to the Department of Transportation and to my old friends with whom I had been working very closely for that period of time. I discovered very quickly that the fact that I no longer was at the Secretary's ear, the fact that I no longer had any position of influence in the Department made me a whole lot less welcome in their offices than I had been the week before. They were happy to see me. They were polite. But they had other things to do. And they were happy to get me out of their offices and out of their hair as quickly as they could.

Did I have an advantage? Yes, I had the advantage of knowing the Department well enough to know where to go and not waste my time. Did I have any additional clout to get these people to do something that would not have been in the public interest by virtue of the fact that I had been there and worked with them and knew them? Not at all. These were legitimate public servants

who were not about to do something improper just because a friend who had worked with them asked them to do it. Of course, I was not about to ask them to do anything improper because that would be a violation of my responsibility to my clients. But I learned quickly that this idea of the revolving door is vastly overrated and overstated by some of our friends in the media.

I suppose we will pass the Feingold amendment. I don't suppose it will make any difference. But the idea that a former Member sitting in a board room talking to other people who are engaged in lobbying activity and saying to them: Don't talk to Senator so-and-so, talk to Senator so-and-so because the second Senator so-and-so is the one who really understands this issue. Don't waste your time with the first one. I know him well enough to know that he really won't get your argument—to criminalize that kind of a statement made in a law firm or a lobbying firm, to me, is going much too far. But we will probably pass it. We will go forward. We will see if it survives the scrutiny that it will get in conference and in conversations with the House.

I, once again, say that we are doing a lot of things that are in response to the media and in response to special interest groups that call themselves public interest groups but raise money and pay salaries just as thoroughly as the special interest groups. And they have to have something to do to keep their members happy. They have to have something to do to keep those dues coming in, those contributions coming in. So they scare them that a U.S. Senator, who leaves and goes to a law firm, cannot be in the room when anybody in that law firm is talking about exercising their constitutional right to petition the Government for redress of their grievances because, if the Senator is in that room for a 2-year period, he is somehow corrupting the entire process. I think that is silly.

Mr. FEINGOLD. Mr. President, I would just say, in response to my friend from Utah, that I don't doubt for a minute that what he has said is true. But to generalize from his experience I don't think makes sense. Our former colleagues are making millions of dollars trading on their experience. I don't think these lobbying firms are throwing away their money for nothing. And I know the public doesn't believe that, which is a very good reason to adopt this amendment. It is not silly; it is the right thing to do.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant journal clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter-Inhofe further modified amendment No. 9 (to amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

Leahy-Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

Ensign amendment No. 24 (to amendment No. 3), to provide for better transparency and enhanced congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Ensign modified amendment No. 25 (to amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the congressional budget process.

Cornyn amendment No. 26 (to amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers.

Cornyn amendment No. 27 (to amendment No. 3), to require 3 calendar days notice in the Senate before proceeding to any matter.

Bennett (for McCain) amendment No. 28 (to amendment No. 3), to provide congressional transparency.

Bennett (for McCain) amendment No. 29 (to amendment No. 3), to provide congressional transparency.

Lieberman amendment No. 30 (to amendment No. 3), to establish a Senate Office of Public Integrity.

Bennett-McConnell amendment No. 20 (to amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Thune amendment No. 37 (to amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy.

Feinstein-Rockefeller amendment No. 42 (to amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure

unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark.

Feingold amendment No. 31 (to amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 33 (to amendment No. 3), to prohibit former Members who are lobbyists from using gym and parking privileges made available to Members and former Members.

Feingold amendment No. 34 (to amendment No. 3), to require Senate campaigns to file their FEC reports electronically.

Durbin amendment No. 36 (to amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader before being debated.

Cornyn amendment No. 45 (to amendment No. 3), to require 72 hour public availability of legislative matters before consideration.

Cornyn amendment No. 46 (to amendment No. 2), to deter public corruption.

Bond (for Coburn) amendment No. 48 (to amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities.

Bond (for Coburn) amendment No. 49 (to amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form.

Bond (for Coburn) amendment No. 50 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bond (for Coburn) amendment No. 51 (to amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Nelson (NE) amendment No. 47 (to amendment No. 3), to help encourage fiscal responsibility in the earmarking process.

Reid (for Lieberman) amendment No. 43 (to amendment No. 3), to require disclosure of earmark lobbying by lobbyists.

Reid (for Casey) amendment No. 56 (to amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors.

Sanders amendment No. 57 (to amendment No. 3), to require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws.

Bennett (for Coburn) amendment No. 59 (to amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed.

Bennett (for Coleman) amendment No. 39 (to amendment No. 3), to require that a publicly available website be established in Congress to allow the public access to records of reported congressional official travel.

Feingold amendment No. 63 (to amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Feingold amendment No. 64 (to amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions.

Feingold-Obama amendment No. 76 (to amendment No. 3), to clarify certain aspects of the lobbyist contribution reporting provision.

Obama-Feingold amendment No. 41 (to amendment No. 3), to require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged.

Nelson (NE)-Salazar amendment No. 71 (to amendment No. 3), to extend the laws and rules passed in this bill to the executive and judicial branches of government.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, first of all, I apologize to everybody for having Senators wait around. I can remember when I was in the House, and in the interest of coming to the Senate, I turned on the TV set. Jim Exon from Nebraska kept suggesting the absence of a quorum. I was so upset not knowing what the procedure was. But I came and served with Jim Exon—first of all, he was as big as the Presiding Officer, and he was a man who was very dedicated to the Senate. But after I got here, I understood more what was happening. So I apologize for all the quorum calls. A lot of people think nothing is going on, but Democrats and Republicans and staff have been working so hard from last night to today to get us to this point.

Mr. President, I ask unanimous consent that all amendments to the amendment No. 3 be withdrawn and that the following be the only amendments remaining in order to the bill or substitute amendment; that the votes in relation to the amendments begin at 8:10 this evening, with 2 minutes for debate equally divided between each vote; that upon disposition of the above-listed amendments, the substitute amendment No. 3 be agreed to as amended, the bill be read the third time, and the Senate vote, without any intervening action or debate, on final passage of the bill.

The amendments that I have referred to are as follows: Bennett amendment No. 20 on grassroots lobbying; Lieberman-Collins amendment No. 30; Vitter amendment No. 9 on spouses; Coburn amendment No. 51 on gifts and travel disclosure; Ensign-DeMint amendment on scope of conference; Feingold amendment No. 31 on former members lobbying; Feingold amendment No. 33 on gym and parking; Durbin amendment No. 77 on providing managers copies of amendments; Obama amendment No. 41 on bundling; Sanders amendment No. 57 on study; Coleman-Cardin amendment No. 39, as modified, on travel Web site; managers' amendment to be agreed to by both managers; further, that the Senate begin consideration of H.R. 2, the minimum wage bill on Monday, January 22, at 2 p.m. and that Senator COBURN be recognized to speak following final passage following the remarks of the two leaders.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, would the leader add to that, after the first vote that subsequent votes be 10-minute votes?

Mr. REID. Yes, I will.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, my understanding is that when the Senate turns to minimum wage, the majority leader, or his designee, will offer a substitute amendment that will be fully amendable; is that correct?

Mr. REID. True.

Mr. GREGG. Further, I understand the majority leader is aware that I have agreed to withdraw my amendment on this bill, the lobby reform bill, and I will be here Monday to offer my language to the minimum wage bill.

Mr. REID. That is my understanding. The Senator absolutely has that right.

Mr. GREGG. Further reserving the right to object, I understand that the majority leader will be unable to reach consent for a time agreement to vote on my amendment; therefore, it is likely that a cloture motion will be filed on my language on Monday. I expect my language to be the first amendment to the bill.

Mr. REID. It may not be the first, but we have an agreement that it would be following my recognition, the offering of the substitute, and the minority leader, who would be recognized.

Mr. GREGG. I thank the two leaders for their assistance in this process. I believe this is a reasonable way to bring up the amendment that I have offered and to move this bill at the same time.

I understand that on Monday it would be the expectation that nobody will be complaining that I have it on the wrong vehicle.

Mr. REID. Mr. President, before the Republican leader says anything, I will be brief. We have been able, if this agreement is reached, to accomplish what the distinguished Republican leader and I intended to do this week. As a result of that and an agreement to go forward on the minimum wage, there will be no votes tomorrow or Monday.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, to reiterate what the majority leader indicated, as a result of this agreement, which did take a while—and I know some of our colleagues wondered if we were ever going to get there—we will complete the bill tonight, and we will have no votes tomorrow or Monday.

This was a successful example of good negotiation—although it took a while—for a favorable result.

Mr. REID. Mr. President, has the agreement been accepted?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, in that we are not voting until 8:10, I will say a few words. Let me say this. This legislation has been extremely difficult to deal with. It is difficult because it directly affects our lives, Members of the Senate. In the short term, this is going

to be difficult because we are going to have to get used to the provisions in this piece of legislation. But in the long term, we will all be thankful these steps have been taken. This legislation will remove even the appearance of impropriety from the work done in this Chamber.

This is not a time for declaring victory. Legislation is the art of compromise, the art of consensus building. There has been a victor in all of this when this matter is completed and that is the American people. I am not a victor, I am not a loser. Senator MCCONNELL is not a victor or a loser. We have worked through this in the way that legislators should work through difficult pieces of legislation. I believe last November Americans, through their votes, asked us to make Government honest. We have done that. We are going to give them what I believe is a Government they deserve.

I am satisfied that this debate has been good for this body. Now we are going to move forward, recognizing the last 24 hours has not been easy legislatively. As Senator DURBIN said last night, it was a bump in the road. It was a real bump and people should have had their seatbelts on because it was a difficult bump. But I believe last night there were people looking for an excuse to not move this bill forward. Let me say, underlying and underscoring this, as I said last night—and I will say it again—Senator JUDD GREGG, the senior Senator from New Hampshire, is a person who has tremendously strong principles. He believes in this legislation. I believe just as strongly that it is wrong. But he believes it is right. I admire and respect him for doing that, just as his partner on the Budget Committee, Senator CONRAD, is a person of principle. They have worked on this issue and other issues together, as legislators should work together. I so much respect the way they work together. They disagree on a number of different issues, but they do it in a way that I think brings dignity to this body.

I, also, wish to say one thing about my friend, Senator RUSS FEINGOLD. He has been a pioneer on a number of different legislative issues. He fought tooth and nail with my friend, the Republican leader, on campaign finance reform. It was a debate that went on for a number of years in this body. Senator FEINGOLD is a person who has talked about ethics since he came to the Senate. There are a lot of people responsible for this legislation, but there is no one more responsible than the Senator from Wisconsin.

He has been a pioneer, and he has not let up from the time he came to the Senate to today in moving forward on what he believes is good for this body politic. With rare exception, I agree with him. He is my friend. He is a person for whom I have great admiration based on his, if nothing else—and there is plenty more—being a Rhodes Scholar, a Harvard graduate with honors, a

man who was a dignified and successful lawyer before he came to the Senate. He has shown he is a good legislator. So I have great respect for him.

In the past, I called this legislation the toughest reform since Watergate. That is an understatement. This is the toughest reform bill in the history of this body as it relates to ethics and lawmaking. So everyone tonight, when they vote on this bill, should vote proudly. What is going to happen soon is historic: requiring new lobbying disclosure, banning all gifts, reforming earmarks, requiring Senators to pay charter rates on corporate jets. We will restore the confidence of our citizenry in the Government.

I do appreciate the work that has been done on this legislation. I appreciate the work of my friend, the Republican leader. We have had disagreements on this legislation, but we have an agreement in principle as to what this body is all about. I look forward to working together on more bipartisan legislation. This is bipartisan legislation sponsored by the Democratic leader and the Republican leader of the Senate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my friend, the majority leader, I couldn't agree more. This is a classic example of bipartisanship in the Senate at its very best. We had good bipartisan support last year when we passed a similar bill 90 to 8. This year, I think we are going to finish the job.

I particularly wish to recognize, on this side of the aisle, the extraordinary work of Senator GREGG in achieving his goal on the next bill up to get an important vote that is important not only to him but to many Members on our side of the aisle.

I extend my congratulations to my good friend, BOB BENNETT, the ranking member on our side, who has been involved on this from beginning to end and has done an extraordinary job of managing a very complex and difficult bill; to Senator SUSAN COLLINS, who has been a leader on the Collins-Lieberman amendment on which we will be voting shortly; to Senator VITTER, Senator COBURN, Senator DEMINT, who have been extremely active on this bill, and each of them has an imprint on this final passage measure that we will be dealing with shortly.

Mr. President, I congratulate all Senators for an extraordinary accomplishment, under very difficult circumstances on a broad, bipartisan basis. The patience that was exhibited to allow us to get to this point, I remind everyone, is what produced an opportunity to have no votes tomorrow and no votes on Monday. I think this was worth the wait.

I congratulate the majority leader.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I failed to acknowledge the managers of this bill.

I apologize to both of them. They have been masterful in working this bill the last 2 weeks. The two managers are going to be involved heavily in getting this through conference. I have so much respect for both of them. They are outstanding Senators.

I repeat, I am so sorry I didn't acknowledge them. I should have done that in the beginning because they have done more than anybody else in moving this bill forward. They worked as partners moving this bill forward. It has been a difficult partnership because of the different thoughts on different sides of the aisle as to what is good and bad. They have been able to be dignified in what they have done. I appreciate it.

AMENDMENT NO. 20

The PRESIDING OFFICER. The pending question is the Bennett amendment No. 20.

Mr. BENNETT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BENNETT. How is the time allocated between now and the scheduled votes?

The PRESIDING OFFICER. No time is allocated. The Senator may speak.

Mr. BENNETT. Do I understand, Mr. President, that the votes are not locked in for 8:10 p.m.?

The PRESIDING OFFICER. Under the previous order, the voting begins at 8:10 p.m.

Mr. BENNETT. So the time between now and 8:10 p.m. is not allocated.

The PRESIDING OFFICER. That is correct.

Mr. BENNETT. Mr. President, I wish to be fair to whoever opposes my amendment to allow time for them to do that, but I would like to speak briefly in favor of my amendment.

My amendment is called the grassroots lobbying amendment. I have discussed it and its virtues at some length previously during the period of debate, but I remind everyone what this is all about.

This has to do with the regulations and reporting requirements placed on organizations that stimulate people to contact their Members of Congress. These organizations can be, and many times are, outside of Washington, DC. They can, and many times do, carry on their work without ever contacting a Member of Congress directly or participating in any of the activities we normally think of as lobbying. And yet, if an organization or an individual were to stimulate neighbors, Members of a fraternal organization, their bowling club—whatever it is—to try to get them active in the process of petitioning the Government, they run the risk of not registering properly because under the underlying bill, they are defined as lobbyists, and if they fail to fill out their forms properly, if they fail to register properly, they are subject to a \$200,000 fine.

The ACLU has said—in my opinion accurately—that this would have a

chilling effect on all of these kinds of activities. People on the right side, the National Right to Life, have said this would have a chilling effect on everything we do.

I know there has been talk about astroturf lobbyists and astroturf campaigns. I am certainly competent to know when an astroturf phony campaign has been mounted. The letters and the postcards come into the office, and it is very transparent they are not genuine and real. I do not need to be protected from my constituents by the language in the underlying bill.

My amendment is very simple. It simply strikes the grassroots provision.

Mr. MCCAIN. Mr. President, I intend to support amendment No. 20 offered by my colleague from Utah, Senator BENNETT. This amendment would strike section 220, the grassroots reporting provision, from the bill.

Yesterday, during my statement on the need for comprehensive lobbying and ethics reform, I discussed the importance of an informed citizenry and how it is essential to a thriving democracy. A democratic government operates best in the disinfecting light of the public eye. With this bill, we have an opportunity to balance the right of the public to know with its right to petition government; the ability of lobbyists' to advocate their clients' causes with the need for truthful public discourse; and the ability of Members to legislate with the imperative that our government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence.

We have an obligation to address this crisis of confidence, but we also have an obligation to ensure that we do so in a thoughtful, reasoned, and constitutional manner. It is imperative that we be mindful of the rights of American citizens to freely contact their public officials and take part in the political process. After careful consideration, and much input from groups representing all parts of the political spectrum, it has become evident to me that section 220 of the underlying bill could seriously impact legitimate communications between public interest organizations and their members. That is why I will support the efforts of my colleague from Utah to strike section 220 from the bill.

It is my understanding that, under this provision, small organizations—many with no representation in Washington—would have to register as grassroots lobbying firms. These groups would then have to comply with onerous quarterly reporting requirements or face fines and criminal penalties. I do not think it was the intention of the proponents of this provision to restrict the ability of groups to communicate with their membership, but I have concluded that this could very well be the outcome.

The approach taken in the underlying bill is one of greater disclosure of and transparency into the interactions of lobbyists with our public officials. More transparency and disclosure of professional lobbyists' activities can only lead to better government. Unfortunately, section 220 simply goes too far, and I fear that the unintended consequences would negatively impact the legitimate, constitutionally protected activities of small citizen groups and their members.

Mr. LEVIN. Mr. President, I oppose the amendment offered by Senator BENNETT which would strike the grassroots lobbying provision in S. 1.

Several years ago, I, along with several colleagues, undertook the task of strengthening reporting requirements for lobbyists. This culminated in the passage of the Lobbying Disclosure Act which broke new ground by allowing sunlight into the activities of lobbyists in Washington. It finally required meaningful disclosure of the billions of dollars spent on lobbying Members of Congress.

While great progress was made, there was a major loophole left open which needs to be closed. Under current law, lobbyists are permitted to exclude the cost of their efforts to stimulate grassroots lobbying when they report under the LDA. We recognized this problem in 1996 but were not successful in efforts to address it. However, I continue to believe that lobbyists who engage in this so-called "Astroturf" lobbying should also be required to disclose their spending.

The Wall Street Journal examined this issue when we last reviewed this and reported that an estimated \$790 million was spent on this type of grassroots lobbying in a 2-year period alone. Accounting for the growth in the lobbying industry that we have seen over the last decade, this number is surely over a billion by now.

What sort of activities does money spent on "Astroturf" lobbying efforts pay for? It is spent on phone banks, telephone patch-throughs to Members, and even professional campaign organizers who are paid to go to key congressional districts to organize letter-writing campaigns. These are coordinated efforts costing tens of thousands of dollars which on their face are part of professional lobbying efforts.

I was pleased to work with Senator LIEBERMAN last year to craft a provision during the Homeland Security and Government Affairs Committee's consideration of the lobbying bill that would close this loophole by requiring disclosure of "paid efforts to stimulate grassroots lobbying." It requires disclosure by paid lobbyists and lobbying firms who stimulate the grassroots to take action. We even went so far as to define pure grassroots lobbying and exclude it from this provision.

The Lieberman-Levin provision that was included in S. 1 simply requires disclosure. This provision does not in any way "restrain" or "regulate" paid

efforts to stimulate grassroots lobbying. All that it does is require paid lobbyists to disclose how much they are spending on their grassroots lobbying efforts. This disclosure would be no more burdensome than the disclosure already required by the Lobbying Disclosure Act for direct lobbying: Amounts spent for efforts to stimulate grassroots lobbying, like amounts spent on direct lobbying, would be disclosed only in the form of good-faith estimates, which would be rounded to the nearest \$20,000.

In addition, the provision, like the Lobbying Disclosure Act, recognizes that certain organizations are already required to track lobbying expenses, and grassroots lobbying expenses, for IRS purposes. The provision allows these organizations to use their IRS numbers for disclosure purposes, ensuring that they do not have to account twice by different rules.

This section was carefully crafted to exclude certain activities that are not part of this Astroturf lobbying industry. Efforts by an organization to communicate with its own members, employees, officers, or shareholders are expressly excluded. Organizations that exist solely to lobby Congress but do not employ paid lobbyists do not have to report. Finally, any grassroots lobbying efforts targeted at less than 500 people do not have to be reported.

I would also like to clarify just who is required to disclose as a lobbyist under this provision, as there seems to be confusion over this point. Paragraph (b) of section 220 clearly states that individuals who are not registered lobbyists now would not have to register as a lobbyist under this provision so long as their expenditures are only directed at grassroots lobbying. This provision is intended to shed light on the dollars being spent by lobbyists. It in no way affects individuals who want to call or write their Member of Congress.

For the past decade, we have allowed lobbyists to exclude the cost of their organized grassroots lobbying campaigns, even while they are reporting their other lobbying expenses. It is time to put an end to this arbitrary exclusion because the public has a right to know who is paying how much to whom in an effort to influence our decisions.

I urge my colleagues to vote "no" on the Bennett amendment.

The PRESIDING OFFICER. The hour of 8:10 p.m. having arrived, the question is on agreeing to the Bennett amendment No. 20.

Mr. BENNETT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, before I propound a unanimous consent request, I would very much like to

thank both leaders. I know this has been a difficult day. I think it has worked out, and I think that is to the good. I hope everyone else who has waited hour after hour understands that the leadership was in negotiations and there is a product of those negotiations.

I, also, thank the ranking member with whom it has been a great pleasure for me to work. Members should know that we are new. Members should know that our staffs are new to the committee and that this is their first bill on the floor. I believe they have done an excellent job, both on the Democratic side and on the Republican side. It is a kind of baptism of fire, if you will. I say thank you.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the chairman of the committee for her kind words. I echo her laudatory comments about the staffs on both sides. This is a baptism of fire for all of us, for my staff and her staff as well, and they have had enough background that they know how to swim.

We are very grateful for the cooperation we have received and the support that has come from the staff. I look forward to a productive Congress, working with Senator FEINSTEIN on the Rules Committee on all of the other matters that will come before us.

AMENDMENT NO. 98

Mr. ENSIGN. Mr. President, in a moment, the Senate will adopt the Ensign-McCain-DeMint amendment related to scope of conference. I want to thank Senator MCCAIN and Senator DEMINT for working with me on this amendment.

I also want to explain why this amendment is such an important improvement over the underlying bill. Under the Constitution, the legislative branch controls the purse strings. That is a significant authority given to Congress. Congress must use that authority wisely. As I explained earlier today on the floor, too often conferees insert earmarks in conference reports that were not funded in either bill passed by the House or the Senate.

In a democracy such as ours, Congress should do its business in the full light of day. The entire Senate should consider, debate, and amend legislation in full view of the American public. We should scrutinize how Federal dollars are spent. Each project Congress funds should be debated and considered by Congress. We must do a better job of oversight. We must ensure that the taxpayers' dollars are being spent wisely. But when we insert projects in a conference report, without debate and without oversight, we fail to live up to our responsibilities as Senators.

What the Ensign-McCain-DeMint amendment would do is fix what has become a broken process. My amendment makes clear that a point of order can be raised against any funding, no matter how specific, for any program, project, or account that was not origi-

nally funded in either bill sent to conference. This is a simple but critical change. It will improve how Congress operates, and it will make the Government more accountable to the American people.

Mr. MCCAIN. Mr. President, the underlying substitute does include two provisions that are intended to address the out-of-control earmarking and porkbarrel spending of the past years. And, the adoption of the DeMint and Durbin amendments earlier this week have improved upon the underlying bill to ensure that all earmarks are disclosed—including those to Federal entities, as well as all that are included in statements of managers and conference reports. A number of us supported a similar proposal last year, and I am pleased that the effort was finally successful.

I am now pleased that additional improvements will be adopted with respect to section 1 of the underlying bill concerning out of scope matters in conference reports. The amendment sponsored by Senators ENSIGN, DEMINT, and myself, which I understand is agreeable on both sides, would ensure that points of order can be raised against specific items in conference reports. It would add a definition of any matter so that members are empowered to remove out of scope earmarks and policy riders from conference reports without taking down the entire conference report. And, importantly, it would ensure that funding associated with any provision stricken from a conference report is reduced from the total amount appropriated—a critical requirement missing from the underlying measure.

For example, if a conference report provides \$10 million for bridge improvements, but then adds a directive that \$5 million of that funding should be directed to a specific bridge in a specific place—a directive that was not included in either the House or Senate bill, our amendment would ensure the \$5 million that accompanies that out of scope earmark is also removed from the total allocation of the bill. So that the total appropriated would be \$5 million, not \$10 million. This is about fiscal restraint, Mr. President. It makes little sense to raise a point of order that is sustained against an out of scope earmark, but to appropriate the funding regardless.

While I support the improvements proposed and accepted so far, earmark reform still needs to go much further. We need to curtail earmarks, not just disclose them. The process is clearly broken when each year Congress continues to earmark billions and billions of taxpayer dollars, sometimes with virtually no information about the specifics of those earmarks. The scandal that came to light during the last Congress that involved earmarking by a former House member—now in prison—is a pox not just on him, but on each of us and the process that we have allowed to occur on our watch. The American public, Mr. President, de-

serves better. That is what this amendment is about.

The growth in earmarked funding in appropriations bills during the past 12 years has been staggering. According to data gathered by CRS, there were 4,126 earmarks in 1994. In 2005, there were 15,877—an increase of nearly 400 percent. There was a little good news in 2006, solely due to the fact that the Labor-HHS appropriations bill was approved almost entirely free of earmarks—an amazing feat given that there were over 3,000 earmarks the prior year for just that bill. Despite this first reduction in 12 years, it doesn't change the fact that the largest number of earmarks in history have still occurred in the last three years—2004, 2005, and 2006.

Now, let's consider the level of funding associated with those earmarks. The amount of earmarked funding increased from \$23.2 billion in 1994 to \$64 billion in fiscal year 2006. Remarkably, it rose by 34 percent from 2005 to 2006, even though the number of earmarks decreased. Earmarked dollars have doubled just since 2000, and more than tripled in the last 10 years. This is wrong and disgraceful and we urgently need to curtail this seemingly out of control pork barreling practice that has become the norm around here.

I filed an amendment designed to curtail earmarking. I was pleased to be joined by Senators FEINGOLD and GRHAM in introducing amendment No. 29. Unfortunately, it is clear that we will not be given an opportunity to vote on that amendment and I find myself in the same position as I was in last March during debate on lobbying reform when I was not allowed a vote on my amendment. But one day soon, I am confident we will fundamentally change business as usual with respect to pork barrel spending. The American public has a powerful voice, and I would have thought more of us would have heard that voice last November. But I do want to state my recognition that at least some improvements have been made to require full disclosure of all earmarks and to prevent out of scope matters in conference. And, I believe the Ensign, McCain, DeMint amendment makes further improvements.

AMENDMENT NO. 41

Mr. OBAMA. Mr. President, I have come to the floor to discuss the amendment I introduced with Senator FEINGOLD to require that lobbyists disclose the contributions that they bundle for campaigns. I am grateful to the leadership for accepting the amendment and believe it strengthens an already very strong bill.

Neither I nor any of my colleagues enjoy the amount of money that running for office requires us to raise and spend. And I realize that having influential people help a campaign by asking their friends for contributions makes that task a little easier. And so I appreciate how difficult it can be for us to legislate our own behavior in this area.

But lobbyists who bundle contributions have a personal stake in the outcome of specific legislation before Congress. And because of that nexus, lobbyists should have to report who they are raising money for and the amounts that they are raising—including the contributions that they collect for campaigns from their networks of friends and colleagues.

The legislation before us today is meant to shine a bright light on how lobbyists influence the legislative process. Influence is not just about free meals or gifts or travel but about the millions upon millions of dollars raised to get us elected every few years. We should not keep the biggest role lobbyists play in that process hidden.

We all know that with strict campaign contribution limits, an important sign of a lobbyist's influence is not only how much money he gives but also how much he raises from friends and associates. During the last Presidential campaign, both candidates made great use of bundling.

For instance, the Bush Rangers each raised over \$200,000; the Bush Pioneers each raised over \$100,000. The Kerry campaign also relied on "vice chairs" who raised at least \$100,000.

According to a USA Today story in 2003: "Motives for becoming a bundler include the possibility of increased influence on government policy and consideration for appointment to ambassadorships and other government posts."

And so if we believe that lobbyists should have to disclose campaign contributions, then they should certainly have to disclose the bundling they engage in so that the public knows the relationship between members, their views on policy, and the industries that support them.

Right now, this relationship is largely hidden from public view. So to correct this gap in the underlying bill, my amendment would require quarterly reporting of all contributions that a lobbyist collected or arranged that total more than \$200 in a calendar year. This includes not only campaign contributions, but also contributions to Presidential libraries, inaugural committees, and lawmakers' charities.

The amendment has the support of all the major reform advocacy organizations, as well as congressional scholar Norm Ornstein and Thomas Susman, the chair of the Ethics Committee for the American League of Lobbyists.

According to Norm Ornstein: "What is needed is disclosure here—who is doing the bundling, for whom, and how much. These are simple but critical steps for openness in the lobbying and money relationship. The public deserves to know—and this amendment gives them that opportunity."

And in Professor Susman's words: "Full disclosure of these activities, including the 'bundling' of campaign contributions for a candidate, will not burden or inhibit lobbyists. Lobbyists are proud of the role that we play in help-

ing to finance federal campaigns, and we will be just as effective if the public knows about that role as well. Senator OBAMA's amendment is a reasonable way to keep these activities out in the open."

Under the amendment that Senator FEINGOLD and I are offering, contributions are considered to be collected by a lobbyist if they are received by the lobbyist and forwarded to the campaign. Contributions are considered to be arranged by a lobbyist if there is an arrangement or understanding between the lobbyist and a campaign that the lobbyist will receive some kind of credit or recognition for having raised the money.

In discussing this proposal that I am offering, a Washington Post editorial this week said: "No single change would add more to public understanding of how money really operates in Washington."

This is an important addition to the bill we are considering, and I thank my colleagues for accepting it.

AMENDMENTS NOS. 9, 98, 51, 31, 33, 37, 41, 57, AND 39, AS MODIFIED, EN BLOC

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the following amendments be considered en bloc and agreed to en bloc, with the motions to reconsider laid on the table, and that the action thereupon appear separately in the RECORD. The amendments are: Vitter amendment No. 9; Ensign-Demint amendment No. 98; Coburn amendment No. 51; Feingold amendment No. 31; Durbin amendment No. 77; Obama amendment No. 41; Sanders amendment No. 57; and Coleman-Cardin amendment No. 39, as modified.

I believe this has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 9, 51, 31, 33, 41, and 57) were agreed to.

The amendment (No. 39), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ____ CONGRESSIONAL TRAVEL PUBLIC WEBSITE.

(a) IN GENERAL.—Not later than January 1, 2008, the Secretary of the Senate and the Clerk of the House of Representatives shall each establish a publicly available website without fee or without access charge, that contains information on all officially related congressional travel that is subject to disclosure under the gift rules of the Senate and the House of Representatives, respectively, that includes—

- (1) a search engine;
- (2) uniform categorization by Member, dates of travel, and any other common categories associated with congressional travel; and

(3) all forms filed in the Senate and the House of Representatives relating to officially-related travel referred to in paragraph (2), including the "Disclosure of Member or Officer's Reimbursed Travel Expenses" form in the Senate.

(b) EXTENSION AUTHORITY.—If the Secretary of the Senate or the Clerk of the House of Representatives is unable to meet the deadline established under subsection

(a), the Committee on Rules and Administration of the Senate or the Committee on Rules of the House of Representatives may grant an extension of such date for the Secretary of the Senate or the Clerk of the House of Representatives, respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

AMENDMENTS NOS. 98 AND 77 TO AMENDMENT NO. 3, EN BLOC

The PRESIDING OFFICER. The clerk will report amendments Nos. 98 and 77.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. MCCAIN, and Mr. DEMINT, proposes an amendment numbered 98 to amendment No. 3.

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 77 to amendment No. 3.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 98 and 77) were agreed to, as follows:

AMENDMENT NO. 98

(Purpose: To provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House)

Strike page 3, line 9 through page 4, line 12 and insert the following:

"(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section "matter not committed to the conferees by either House" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of Rule XXVIII of the Standing Rules of the Senate "matter not committed" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made).

AMENDMENT NO. 77

(Purpose: To require that amendments and instructions accompanying a motion to recommit be copied and provided by the Senator offering them to the desks of the Majority Leader and the Minority Leader before being debated)

At the appropriate place, insert the following:

SEC. . AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of Rule XV of the Standing Rules of the Senate is amended to read as follows:

"1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated.

"(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated."

AMENDMENT NO. 20

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, utilizing a moment in opposition to the amendment of my friend from Utah, Mr. BENNETT, if the section on grassroots lobbying in the bill were as Senator BENNETT described it and as other groups on the outside have described it, I would oppose it.

This provision was in the overall lobbying bill that passed the Senate 90 to 8 last year. It is a natural extension of what the entire bill is doing, which is asking for disclosure from professional lobbying.

Billions of dollars are spent on so-called grassroots lobbying. It is totally legal, but let's get it out into the sunshine. The individual groups writing to Members to lobby us do not have to disclose anything. This only requires disclosure if a group retains a professional lobbyist and only if they pay that lobbyist more than \$25,000 a quarter.

This is not amateur citizen lobbying. This is to find out who is getting how much money to influence us. It is not, in any sense, a limitation on the revered first amendment right to petition Congress for a redress of grievances. It is an attempt for disclosure consistent with the entire bill. So I ask my colleagues respectfully to leave this critical provision in this progressive reform bill.

I thank the Chair, and I yield the floor.

Ms. COLLINS. Mr. President, I rise to speak in favor of the amendment offered by Senator BENNETT. This is a very rare instance where I disagree with my colleague and good friend from Connecticut. I simply don't want to discourage any effort to increase citizen participation in Government. Too many citizens are convinced that their voices don't count. They become apathetic about their Government. They become convinced they cannot influence our positions. I think activity that encourages citizens to contact us, to participate in the process, should be

encouraged, not discouraged, and I believe the language in the bill could well discourage citizen contact with Members of Congress. So I urge my colleagues to support the amendment offered by the Senator from Utah.

Thank you, Mr. President.

AMENDMENT NO. 99

Mrs. FEINSTEIN. Mr. President, I send a manager's package to the desk. It combines a number of technical corrections requested by the Parliamentarian, the Secretary of the Senate, and the Indian Affairs Committee. It is concurred in by both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. BENNETT, proposes an amendment numbered 99.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 99

(Purpose: to make technical amendments)

On page 4, strike lines 16 through 19.

On page 13, lines 1 and 2, strike "the Select Committee on Ethics and".

On page 15, strike beginning with line 22 through page 16, line 21, and insert the following:

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended, by—

(1) striking "The restrictions" and inserting the following:

"(A) IN GENERAL.—The restrictions"; and

(2) adding at the end the following:

"(B) INDIAN TRIBES.—The restrictions contained in this section shall not apply to acts done pursuant to section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i)."

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended by striking "and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or" and inserting "or former officers and employees of the United States who are carrying out official duties as employees or as elected or appointed officials of an Indian tribe may communicate with and".

On page 24, strike lines 11 through 20 and insert the following:

(A) by striking the first sentence and inserting the following: "Not later than 20 days after the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day, in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives, a registrant shall file a report or reports, as applicable, on its lobbying activities during such quarterly period."; and

On page 27, strike line 12 through "day," on line 15 and insert "Not later than 20 days after the end of the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day,".

On page 46, lines 12 and 13, strike "oversight and enforcement" and insert "administration".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 99) was agreed to.

VOTE ON AMENDMENT NO. 20

The PRESIDING OFFICER. The question is on agreeing to the Bennett amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—55

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Baucus	Dorgan	Nelson (NE)
Bayh	Ensign	Roberts
Bennett	Enzi	Salazar
Bond	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thomas
Conrad	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NAYS—43

Akaka	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Lautenberg	Sanders
Cardin	Leahy	Schumer
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Clinton	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NOT VOTING—2

Brownback	Johnson
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The amendment (No. 20) was agreed to.

The PRESIDING OFFICER. The pending amendment is the Lieberman-Collins amendment.

The Senator from California.

AMENDMENT NO. 30

Mrs. FEINSTEIN. Mr. President, there have been a variety of proposals for what has been called an Office of Public Integrity. The Senate voted 67 to 30 against one such proposal last year. Last time, Senators JOHNSON and VOINOVICH, the chairs of the Ethics Committee, stood in opposition. This time, the new chairs of the Ethics Committee, Senators BOXER and CORNYN, stand in opposition.

I recognize the strong interest in this issue, especially by Senators

LIEBERMAN, COLLINS, OBAMA, FEINGOLD, MCCAIN, and others. I have spoken with Senator OBAMA about it. I have assured him that we would hold a hearing in the Rules Committee and that we would take a look at this proposal and what might or might not be done.

I will vote against this amendment, and I will see that the Rules Committee and the Homeland Security and Governmental Affairs Committee hold these hearings. They will focus on these proposals and ways of strengthening ethics enforcement in the Senate.

Let me say this now. I do believe we need to take great care in how we do this. Yes, we need to reassure the public that those who run afoul of the Senate rules will be held accountable. But we must make sure this does not simply become a new tool used by political opponents who would seek to manipulate the political process by filing false claims. You can be sure that the minute a claim becomes public, without any verification as to its veracity, and is released to the public, that claim will be a 30-second spot in someone's campaign. That is not what we are about.

We have to also ensure that we do not create an office—with a special prosecutor bound and determined to justify his or her existence by creating an atmosphere of ongoing investigation—that will cost taxpayers millions of dollars. The Constitution provides:

Each House of Congress may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Our Founders knew the importance of this and placed it in article I.

The challenge we face right now is how to do it right and ensure that the tough ethics rules we are putting in place will be vigorously overseen and enforced.

I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of the amendment to create an Office of Public Integrity.

This underlying bill is a very good one. It will help to restore public confidence in the integrity of our decisions. But we leave the job undone if we do not create an Office of Public Integrity. I thank the leaders on both sides of the aisle for allowing the Senate to have a vote on this important issue.

The problem is that the current system is inherently conflicted. We are our own advisers, we are our own investigators, we are our own prosecutors, we are our own judges, and we are our own jurors. This amendment would take only the investigative part of the process and invest it in an independent, impartial Office of Public Integrity that would help restore the public's confidence in the integrity of our ethics system.

I yield the remainder of the time to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, there is not much to add to my colleague from Maine. I thank her for her statement.

Basically, we have a very strong reform of the rules by which we govern our ethics and that of those who lobby before us. What is missing is an equal reform of the process which would do that.

Nothing in this amendment alters the superior role of the Senate Ethics Committee pursuant to the Constitution to make final decisions on claims before it. This amendment simply sets up an independent investigative office. Incidentally, it is merely responding to what my friend from California, Senator FEINSTEIN, said. There is actually more protection against abuse of this process with frivolous complaints than there is in the current system.

I have a feeling this will not pass tonight, but our committee is going to take it up and hopefully report out a bill independently later this session.

I thank the Chair, and I yield the floor.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—27

Bayh	Grassley	McCaskill
Biden	Kerry	Menendez
Bingaman	Klobuchar	Nelson (FL)
Cantwell	Kohl	Obama
Carper	Landrieu	Reed
Casey	Lautenberg	Snowe
Collins	Levin	Stabenow
Feingold	Lieberman	Whitehouse
Graham	McCain	Wyden

NAYS—71

Akaka	DeMint	Lugar
Alexander	Dodd	Martinez
Allard	Dole	McConnell
Baucus	Domenici	Mikulski
Bennett	Dorgan	Murkowski
Bond	Durbin	Murray
Boxer	Ensign	Nelson (NE)
Brown	Enzi	Pryor
Bunning	Feinstein	Reid
Burr	Gregg	Roberts
Byrd	Hagel	Rockefeller
Cardin	Harkin	Salazar
Chambliss	Hatch	Sanders
Clinton	Hutchison	Schumer
Coburn	Inhofe	Sessions
Cochran	Inouye	Shelby
Coleman	Isakson	Smith
Conrad	Kennedy	Specter
Corker	Kyl	Stevens
Cornyn	Leahy	Sununu
Craig	Lincoln	Tester
Crapo	Lott	

Thomas	Vitter	Warner
Thune	Voinovich	Webb

NOT VOTING—2

Brownback Johnson

The amendment (No. 30) was rejected.

The PRESIDING OFFICER. The substitute amendment, as amended, is agreed to.

The amendment (No. 3), as amended, was agreed to.

Mr. CARDIN. Mr. President, I have been privileged to serve as a legislator—first in the Maryland House of Delegates, then in the U.S. House of Representatives, and now in the Senate. I appreciate the trust that the people of Maryland placed in me. And I appreciate how important it is that we adhere to the strictest ethical standards. The American people need to believe their Government is on the up and up.

I served on the House Committee on Standards of Official Conduct from 1991 to 1997. I served as the ranking member of the adjudicative subcommittee that investigated and ultimately recommended sanctions against former House Speaker Newt Gingrich. In 1997, the House leadership appointed me to serve as the cochairman of the House Ethics Reform Task Force, with my colleague Bob Livingston from Louisiana. Our bipartisan task force came up with a comprehensive set of reforms to overhaul the ethics process. We created a bipartisan package to change House and committee rules. This was the last bipartisan effort in the House to fix ethics procedures. Unfortunately, the ethics process in the House broke down after that.

Here in the Senate, there has been more bipartisan cooperation when it comes to ethics reform. Last year, the Senate voted 90 to 8 to approve a reform bill. And we are getting off to a good start this year, with both the Democratic leader and the Republican leader co-sponsoring both S. 1 and the substitute amendment. Members on both sides of the aisle have been given ample opportunity to offer amendments and have them considered.

As amended, S. 1 represents a significant change in the way elected officials, senior staff, and lobbyists would do business—change the American people are demanding.

When it comes to how we treat ourselves, this legislation revokes the pensions of Members convicted of bribing public officials and witnesses, perjury, and other crimes. S. 1 bans gifts and meals from lobbyists. It slows down the revolving door by extending lobbying bans for former Members and staff. It eliminates floor privileges for former Members who become lobbyists. And it stops partisan attempts, such as the K Street Project to influence private-sector hiring. The bill makes ethics training mandatory for Members and staff.

When it comes to making how Congress works more transparent, this legislation shines a spotlight on earmarks, targeted tax breaks, and tariff reduction bills, to make it clear who is

offering them, and on whose behalf. S. 1 ensures that the minority will get to participate in conference committees, and that conference reports can't be changed after they're signed by a majority of the conferees. The bill requires that conference reports have to be posted on the Internet 48 hours prior to consideration so that Members of Congress, staff, and the public can find out what's in them.

When it comes to how lobbyists are to act, this legislation puts an end to the lavish parties they throw in our honor at the national conventions. S. 1 quadruples the penalty for failure to comply with the requirements of the Lobbying Disclosure Act of 1995. It requires lobbyists to file quarterly reports instead of semi-annually. And it directs the Secretary of the Senate and the Clerk of the House of Representatives to maintain on the Internet a publicly available database of lobbying disclosure information.

I am pleased to report that the bill contains an amendment that Senator COLEMAN from Minnesota and I offered to require the Secretary of the Senate and the Clerk of the House of Representatives to establish a website freely available to the public that will contain easy-to-understand information on all officially related congressional travel subject to disclosure under the gift rules.

During the debate on S. 1, we have heard over and over again former Supreme Court Justice Louis Brandeis' famous dictum, "Sunlight is said to be the best of disinfectants," because it is so true. That is the direction we are moving in by passing this bill. That is what the American people want us to do, and that is what we need to do to regain their trust.

Mrs. CLINTON. Mr. President, as allegations of ethical abuses swirl around their government, the American people have understandably lost confidence in the ability of their elected representatives to lead with integrity. Their confidence has dwindled as the undue influence of lobbyists and special interests has permeated their government. They have lost faith not only in their elected leaders, but also in the institutions that stand as the very pillars of our representative democracy. With their trust waning, Americans spoke at the ballot box last November, admonishing their elected leaders and declaring that they would no longer tolerate the exploitation of their government by those who wield excessive influence.

For this reason, I was gratified to see the House of Representatives move so quickly on ethics and lobby reform when the 110th Congress convened, and I was pleased when Majority Leader REID placed ethics and lobby reform at the top of the Senate agenda. Both the Legislative Transparency and Accountability Act of 2007 and the Lobbying Transparency and Accountability Act of 2007 enact long overdue ethics and lobbying reforms that will hold our elected officials to the highest possible standards.

If we are going to restore the American public's trust in their government, any reform we enact must squarely confront the undue influence that special interests and lobbyists exert on the legislative process. It must strengthen the rules that govern lobbying and close the revolving door between the "K Street" lobby firms and the Capitol. It must shine a light on what has until now been a legislative process corrupted by backroom promises and deals struck in the dead of night. It must promulgate new rules that curb wasteful spending by creating greater transparency in the earmark process.

Earning back the confidence and trust of the American people will require greater transparency and stronger laws. The American public deserves to be certain that their elected officials are not being swayed by lavish gifts offered as quid pro quo for promoting special agendas. To that end, gifts from registered lobbyists have no place in our legislative process. For that reason, I support the sweeping ban on lobbyist-paid gifts in the Senate bill. This ban includes not just meals but also gifts of travel and lodging, areas that have been the subject of notorious abuse.

Our commitment to a new era of openness must go hand in hand with a similar commitment on the part of lobbyists. We must demand more disclosure from lobbyists about their practices and increase the penalties for their failure to disclose their activities. To be clear, our Constitution protects the right of Americans to petition their government. However, what it does not do is protect their ability to hire lobbyists to buy influence by showering elected officials with expensive gifts and vacations.

Reining in wasteful spending must also be a part of any ethical reform we enact. Specifically, we must bring reform and accountability to the process of earmarking. Although the term "earmark" has taken on a negative connotation, the designation of funds for individual projects or programs is not in and of itself devious. The practice of earmarking permits essential public projects that would otherwise go unfunded and ignored to receive critical funds that can sustain their important community work. However, the process by which earmarks are currently distributed is susceptible to corruption and abuse, and that must be corrected by injecting both accountability and transparency into the process.

In order to promote accountability, the Senate bill requires that the legislator sponsoring the earmark identify him or herself and provide a description explaining the "government purpose" served by the sponsored project. Additionally, I believe we can improve accountability by mandating publication of the earmark for a minimum period of time prior to any vote on the underlying measure, ensuring that

both other elected officials and the general public have the opportunity to scrutinize the sponsored outlay. Taking these common sense steps would ensure that legislators are made to answer for the spending they sponsor.

The American people demand a more open and honest government, one that strives to put their concerns ahead of those of special interest, one that endeavors to hold its elected officials accountable to the electorate, and one that inspires the confidence of its people. In order to achieve these goals, we must remove any semblance of impropriety. The reforms contained in both the Legislative Transparency and Accountability Act of 2007 and the Lobbying Transparency and Accountability Act of 2007 enact much-needed and long-awaited reforms that move us toward those goals.

Ms. MIKULSKI. Mr. President, I rise today as a proud cosponsor to this Senate ethics reform legislation. The American people sent a clear message in the last election. No more scandals. No more bribes. No more dirty politics. They wanted real ethics reform. The American people want to know that Congress is working in their interest—not for special interests. The American people deserve a government which is honest and open. They want a government which will fight for their values not for corporate values. Democrats have made it our top priority to clean up Washington and clean up politics.

What does this bill do? This bill bans all gifts and travel from lobbyists. It closes the revolving door by extending the lobbying ban for former Members of Congress from one to two years. It improves lobbying disclosure requirements and brings transparency to the Senate. Finally, it requires that all Senators and their staff attend ethics training.

The American people wanted to clean up Washington. They wanted real ethics reform. They wanted to know that lawmakers are fighting for the people they represent—not the special interest lobbyists. This bill holds lawmakers and lobbyists accountable by creating real penalties for those who break the law—by punishing them with jail time not just fines. This bill sets the tone for this Congress—dirty politics will not be tolerated.

The American people demanded change in the last election. They wanted a government they could trust. They wanted a government that would protect everyday, hardworking Americans. This bill is a step in the right direction. We are listening to what American people are telling us. We here in the U.S. Senate are taking their concerns seriously. We are making changes in Washington.

The PRESIDING OFFICER (Mrs. McCASKILL). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The majority leader.

Mr. REID. Madam President, for the information of all Senators, we will have a vote Tuesday morning—well, at least by noon Tuesday. No votes Friday or Monday, but we will vote Tuesday at noon or thereabouts.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—96

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hutchison	Rockefeller
Burr	Inhofe	Salazar
Byrd	Inouye	Sanders
Cantwell	Isakson	Schumer
Cardin	Kennedy	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Smith
Chambliss	Kohl	Snowe
Clinton	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Levin	Tester
Corker	Lieberman	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dodd	McCain	Webb
Dole	McCaskill	Whitehouse
Domenici	McConnell	Wyden

NAYS—2

Coburn Hatch

NOT VOTING—2

Brownback Johnson

The bill (S. 1), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. BENNETT. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I had asked for this time to spend a few minutes talking about what has happened in the last few weeks. One of the things that is going on in our country

is that we have a little bit of a crisis of confidence in our legislative bodies. Some of it is well deserved.

We have had a bill on the floor under the guise of ethics reform. The bill is a statute. It is not a rule. It is going to become law. But I think the American people should be on guard. I was one of two people who voted against this bill and for some very good reasons.

What the American people would like to see is transparency. They would like to see clarity. They would like to see sunshine. Some of the amendments to this bill made it much better; there is no question about that. But some of the things that happened along the way did not allow the American people to really know what is going on in terms of what needs to change. A lot of the amendments tonight were accepted only on the basis that they would preclude debate. Now it is Thursday night. The Senate is not in session tomorrow. And the question people have to ask is, why didn't we debate those amendments? Why didn't we want to debate those amendments? The reason we didn't want to debate those amendments is because they are going to be discarded as soon as we get to conference.

Let me talk about one of them because I believe it is important. We have had hundreds of stories over the last 2 years of Members of Congress who have used the earmark process to enhance the well-being of either members of their office staff's families, personal family members, and even in the House a couple of occasions where they helped themselves. I am thinking particularly about a \$1.2 million road that was built for properties owned by the Member of Congress. That fact is, that should have been debated. The American people need to know what the problems are, and there needs to be sunshine. There needs to be transparency about what we do.

The question the American people ought to ask is: What is going to happen when this bill goes to conference and what is going to come out? And is all the rhetoric we heard on the floor truly going to be reflected in an ethics bill that will change behavior?

A lot of effort has been concentrated on lobbyists. Lobbyists aren't the problem. Members of Congress are the problem. And transparency solves that problem. So we are not going to have transparency anymore. We are going to say you can't take a meal from somebody, but you certainly can deliver on a couple-million-dollar earmark. And we are going to create a situation where we say we are going to expose it, but you shouldn't count on that happening until the final bill comes.

My faith and my hope is that we put everything we have done away and don't do any of the things that have been accepted by the Senate tonight because of fear of political consequences, but that we do what the American people want, and that is to be transparent in both our actions and

our deeds. The way to clean up ethical problems in Congress is for the Members to be transparent about what they do. So if this bill were to come back and we pass it just as it is, we are going to go through all these hoops that will have been created, and we are going to make sure people don't come to the Senate to serve. We are going to have a "gotcha" system. That is what we just passed. Good, honorable people of integrity are going to make an innocent mistake, and they are going to be gotten. I am not talking about the things that were intentionally done that we have seen over the past 4 to 6 years from both parties. I am talking about good, honest people making an innocent mistake, and it is going to ruin them. Consequently, people are not going to come here. Only those who are shielded and armored, who are careerists and have enough money that no matter what happens, they can defend themselves with the trial lawyers they are going to need to defend themselves after we pass all these rules that are going to come.

I know this sounds a bit negative now that we have passed supposedly an ethics reform bill. But my warning to the American people and to this body is, we should measure that when we see the final product. And we should measure the final product against Senator DEMINT's amendment for true transparency on earmarks, my amendment on true lack of ethical bias in terms of monetary gain for staff members' families or Members' families in terms of earmarks. My faith will be renewed if, in fact, we come out with a great ethics bill. I wait and remain to be convinced that that will be the case.

The final point I want to make is process. Why did we not want to debate in front of the American people the idea that it is unethical for somebody to gain monetarily, directly or indirectly, staff member or staff member's family, Member's family or Member, from an earmark? Why did we not want to debate that? That is a question the press ought to be asking. That is a question we all ought to be asking, as the conference comes back.

The way we solve the problems with ethics in the Senate is through complete and total transparency about what we do. And if we are not ashamed of what we are doing, we should not be ashamed of putting up what we are doing and how we are doing it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE RULES OF PROCEDURE

Mr. BAUCUS. Madam President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Finance for the 110th Congress, adopted by the committee on January 17, 2007. I ask unanimous consent that the rules be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 17, 2007)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actu-

ally present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his

written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—

(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred

to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as “uncorrected,” shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for gram-

matical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Mr. KERRY. Madam President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, January 18, 2007, the Committee on Small Business and Entrepreneurship held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Small Business and Entrepreneurship for the 110th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES FOR THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP—110TH CONGRESS

1. GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

2. MEETINGS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, such member of the Committee as the Chairman shall designate shall preside.

(b) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Clerk of the Committee at least 2 business days prior to the meeting. This subsection may be waived by agreement of the Chairman and Ranking Member or by

a majority vote of the members of the Committee.

3. QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term “routine business” includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(b) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote on the date of the meeting to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

4. NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

5. HEARINGS, SUBPOENAS, AND LEGAL COUNSEL

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude any Administration witness unless such witness would be the sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. The preceding two sentences shall not apply when a witness appears as the nominee. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared

testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be issued by the Chairman with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chairman may subpoena attendance or production without the consent of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chairman or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chairman shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

6. CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chairman with the consent of the Ranking Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

7. MEDIA AND BROADCASTING

(a) At the discretion of the Chairman, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chairman by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

8. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

9. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

10TH ANNIVERSARY OF THE USS "CHEYENNE"

Mr. ENZI. Madam President, I rise today to honor SSN 773, the USS *Cheyenne*, for her 10 years of service in the U.S. Navy in defense of our freedom.

On July 6, 1992, the keel was laid for the USS *Cheyenne* in Newport News, VA. She was launched on April 16, 1995. On September 13, 1996, Mrs. Ann Simpson sponsored the USS *Cheyenne*. I am pleased to now occupy the seat of Ann's husband, Senator Alan Simpson, in the U.S. Senate.

Since September 11, 2001, the USS *Cheyenne* has been engaged in important missions as part of the global war on terrorism. The USS *Cheyenne* earned the distinction of the first to strike when she was the first ship to launch Tomahawk missiles in Operation Iraqi Freedom under the command of Commander Charles Doty. She would go on to successfully launch her entire complement of Tomahawks, earning a clean sweep for combat actions in the final three months of her nine month deployment. That level of excellence continues today from her homeport in Pearl Harbor, HI.

The USS *Cheyenne* is the last Los Angeles class submarine built and the third ship in our Nation's fleet named in honor of the city home to Wyoming's State capital. The first USS *Cheyenne*, a tugboat, entered service in 1898. The second USS *Cheyenne*, BM 10, was originally the monitor class USS *Wyoming*. In 1909 it was renamed USS *Cheyenne* to make the name available for the battleship BB 32, the new USS *Wyoming*. Fiction writer Tom Clancy further cemented the legend of the USS *Cheyenne* when he made the submarine a central player in a battle for the Spratly Islands in his novel "SSN."

Cheyenne, Wyoming's motto is "Live the Legend." The 145 submariners who are aboard the USS *Cheyenne* have adopted the motto "Ride the Legend." The city of Cheyenne has formed a special bond with the crew of her namesake. Each year the outstanding sailors of the USS *Cheyenne* are the guests of the city of Cheyenne for Cheyenne Frontier Days, the world's largest outdoor rodeo, and the "Daddy of them All". Many of the sailors have never been out West or been to a rodeo. For a week the submariners enjoy Wyoming hospitality and have a chance to live the legend. It is a small chance for Wyoming and the people of Cheyenne to repay a debt of gratitude to the crew of the USS *Cheyenne*.

Commander Michael Tesar assumed command of the USS *Cheyenne* on June

4, 2006. I wish him well in his new command and thank Commander Richard Testyon Jr. for his time at the helm. Commander Tesar brings extensive experience to the USS *Cheyenne* and will lead SSN 773 well.

The best skippers are complemented by outstanding crew; I would like to honor the crew of the USS *Cheyenne*. They include EM3 Richard Akins, LTJG Andrew Alvarado, MM1 Cory Alvis, STS3 John Andrada, YNSA Alfonso Angel, STS2 Andrew Aubry, STSSA Raynor Barton, STS2 Adam Baugh, LT Brett Bayer, MM3 Gregory Benedict, ET1 Charles Berger, MM3 Tyler Bird, MMC David Blake, MM2 Steven Bolek, EM2 Nicholas Brechtel, MM3 Daniel Breedlove, ET3 Jeremy Brown, MM3 Jeremy Bruner, ENS James Bucklin, SK3 James Burnett, LTJG Rene Cano, LTJG David Cihra, MM2 Shayne Clemens, LTJG Christopher Clevenger, MMFN Clyde Comstock, FTC Jonathan Conford, CSSA James Couch, STSSN Colt Couture, MM1 Falanda Culp, LT Michael Darby, LTJG Drew DeWalt, MM3 Juan Diaz, ET3 Lucas Dunbar, MM1 Jack Durand, MM2 Jon Espinoza, YN1 Gregorio Familia, ET3 Joseph Filbert, ET3 Chad Fogler, STSSN Abraham Freet, MM2 Steven Frey, SKSN Christopher Fuller, ET3 Shane Garrod, MMFN Robert Gauld, LCDR John Gearhart, ET1 Christopher Ghramm, MM3 Warren Givens, FTC Russell Goltry, LT Parrish Guerrero, ET1 John Guthrie, ET3 Cory Hall, ET2 Long Han, MMFN David Harper, STS2 Christopher Heffernan, CSSN Jacob Holder, ET3 Stilling Horton, EM2 Angier Hsu, ETC Barry Hudson, EM3 Benjamin Huelle, CSCS Kenneth Hughley, ETC David Ingalls, ET3 John Ingle, EM3 Nicholas Jessee, MM2 Christopher Johnson, ET2 Robert Johnson, ET3 James Johnson, STSC Alan Jones, MM3 Edward Ketheley, EM1 William Lawrence, FT2 Sean Little, MM3 John Livengood, MM2 Justin Lynn, MM3 Jonathan Mac Dula, STS2 John Marsh, FT2 Xavier Martinez, ET3 Shaun McCarthy, STS2 Ryan McClure, MM3 Brian McEndree, MM2 Jeremy McLean, FT1 Nicholas Messina, SN Kenton Metzler, EM2 John Miranda, MM2 Thomas Mitchell, EM2 Ambrose Montera, EM3 Matthew Nesbitt, MM3 Hung Nguyen, MM3 Erik Nielson, ETSN Matthew Noland, STS2 Matthew Odom, MM3 Chad O'Hagan, ET1 Jonathan Okert, HMC Nathaniel Olipas, ET3 Steven Pack, CS1 Ted Paro, STS3 Brandon Pash, FT2 Donald Peachey, ET3 Errane Pearce, CS3 Wesley Peltier, ET1 Steven Perry, ETCs John Perryman, EM3 Michael Proskine, ET2 David Purser, ETC Raul Quintana, LTJG Eric Rasmussen, SKC Randall Riley, CS1 Harry Robinson, MM1 Alvin Rodriguez, FTC Damean Rogers, MM2 Douglas Ross, FT2 Anthony Rossi, LTJG Nicholas Saflund, ET3 Jacob Saylor, STSSN Charles Scaife, ET3 Derek Scammon, ET2 Kevin Scharkey, LCDR Ian Schillinger, ET2 John Schmidt, MMC Timothy Schreyer, LTJG William Sheridan, MMFR Grant

Shirley, STS3 Levi Shockley, ETCS Gregory Silvey, STS1 Michael Simonds, ET3 Tim Simson, EM1 Jerome Smallwood, YNSN Michael Smith, ET2 Anthony Spartana, MMC John St. Clair, EMC David Stephens, MM3 Kevin Stewart, MMC Gary Strong, MM3 Jesse Swain, EM2 William Tabata, CDR Michael Tesar, MM3 Joshua Tomlinson, LTJG Christopher Topoll, CSSR Joshua Towles, LT Carl Trask, MMFR Justin Trickett, ET2 Eric Trumbull, FT2 Landon RG, MM1 Christian Watson, ET3 Kevin Watson, MM2 Robert Wehrmann, ETC Michael Willison, MM3 Nicholas Wittmann, STS2 Robert Wood, EM2 James Workman, CMDCM Andrew Worshek, and MM3 Charles Wreede.

Again I congratulate the USS *Cheyenne* and her crew on the 10th anniversary of their service and thank them for their sacrifices in defense of our great Nation.

IN HONOR OF RICHARD SHAPIRO

Mr. LIEBERMAN. Madam President, today I honor Richard H. Shapiro, who retired as executive director of the Congressional Management Foundation, CMF, in December after 18 years of service with the foundation and 17 years as its executive director. During those 18 years, Mr. Shapiro has worked tirelessly to help all member and committee offices operate more productively and efficiently.

Mr. Shapiro is a talented business consultant who has adapted many of the best practice methods of the business world to the unique institution that is the congressional office, and taken the time to train thousands of congressional staffers in these methods. In addition, Mr. Shapiro and his staff at CMF have conducted organizational assessments for member, committee and leadership offices. Some years ago, he was kind enough to conduct a structure evaluation for my Senate office, and he made several useful suggestions regarding my office's mail operation, web site and internal communications. My office implemented them all, and both my office and constituents are all better off for it.

He has also helped many new Members of Congress set up both their Washington and district offices, a task that can be very daunting for anyone new to Congress. He has also conducted individual assessments and coaching for senior managers and Members. Under his leadership, the CMF began offering management guidance to congressional officers responsible for managing the House or Senate as a whole. Furthermore, Mr. Shapiro has helped to coordinate bipartisan events for all the Chiefs of Staff, which helps them get to know each other and work together better.

Mr. Shapiro was also a leader in promoting the use of the World Wide Web and other digital forms of communications in Congress. Under his leadership,

the CMF pushed for Members of Congress to establish Web sites that constituents could use to e-mail their representatives and get information on Congress. The CMF continues to encourage congressional offices to improve their Web sites by giving out the annual Golden Mouse award to the office with the best and most innovative Web site.

Considering all that CMF has done under Mr. Shapiro's leadership, one is very surprised to find out that CMF has a very small staff and budget. But those who know Mr. Shapiro would tell you that, given his talent and dedication, it is no big surprise that CMF was able to provide so many quality services under his helm.

Madam President, it my sincerest pleasure to thank Richard Shapiro for sharing his talent and dedication with us for so many years. Congress is a better place for it.

ART BUCHWALD—THE MARK TWAIN OF OUR TIME

Mr. KENNEDY. Madam President it is with a heavy heart that I rise to pay tribute to Art Buchwald. Art finally said good-bye to all of us last night. It was far too soon.

Art is survived by his son Joel and his wife Tamara—who he lived with for so many wonderful years—his daughters Jennifer and Connie, his two sisters and five grandchildren. We are fortunate to have had him for so long, and he will be missed very much.

Art was an incredible friend to my wife Vicki and me and to the entire Kennedy family. We all enjoyed Art's company and columns, and President Kennedy was known to read Art's column regularly while he was in the White House.

We enjoyed so many delightful times together. Whether here in Washington or on Martha's Vineyard, Art brought tons of laughter into our lives. We'll continue to remember him and his wife, Ann McGarry Buchwald, as they will now be laid to rest together on the Vineyard.

Art was the Mark Twain of our time. He will forever live on in our hearts and minds for his brilliant wit and observations. For decades there was no better way to start the day than to open the morning paper to Art's column, laugh out loud and learn all over again to take the issues seriously in the world of politics, but not take yourself too seriously.

As Art said, "Whether it's the best of times or the worst of times, it's the only time we've got." The special art of Art Buchwald was to make even the worst of times better. We are fortunate to have had him for so long, and I will miss him very much.

Art was born in 1925 in Mount Vernon, New York, and made his own way in the world becoming a renowned political humorist and highly regarded columnist. In 1982, he received a Pulitzer Prize. Art never stopped work-

ing—writing and making us laugh right up until the very end.

Just last November, he published his final book, "Too Soon To Say Good-bye." He even had the foresight to write one final column—published today. Among his final words were these:

I don't know how well I've done while I was here, but I'd like to think that some of my printed works will persevere at least for three years.

In fact, Art, they'll persevere forever.

Vicki and I remember fondly celebrating Art's 80th birthday just over a year ago with The Brady Center to Prevent Gun Violence, together with my sister Eunice and her husband Sargent Shriver. Like every gathering with Art, it was an evening full of joy, humor and passion. Art was a great friend to the Brady Center and an inspiring advocate for sensible gun laws. He was a true leader for the cause and we are closer to our goal of rational gun control today because of him.

Art was also an outspoken and powerful advocate on the importance of mental health care, speaking openly about his own experiences and providing hope to some many others.

When we lost President Kennedy, Art honored him with his column, "We Weep." He wrote:

We weep for our president who died for his country. We weep for his wife and his children, brothers and sisters. We weep for the millions of people who are weeping for him. We weep for Americans that this could happen in our country. We weep for the Europeans and the Africans and the Asians and people in every corner of the globe who saw in him a hope for the future and a chance for mankind.

Today, Art, the world weeps for you.

I ask unanimous consent that Art Buchwald's final column, published today, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the International Herald Tribune,
Jan. 18, 2007)

MEANWHILE: GOODBYE, MY FRIENDS. WHAT A PLEASURE IT HAS BEEN!

(By Art Buchwald)

Art Buchwald, who began his long career as a humor columnist at this newspaper, asked that this column be published following his death, which came on Wednesday at his home in Washington.

Several of my friends have persuaded me to write this final column, which is something they claim I shouldn't leave without doing.

There comes a time when you start adding up all the pluses and minuses of your life. In my case I'd like to add up all the great tennis games I played and all of the great players I overcame with my now famous "lob."

I will always believe that my tennis game was one of the greatest of all time. Even Kay Graham, who couldn't stand being on the other side of the net from me, in the end forgave me.

I can't cover all the subjects I want to in one final column, but I would just like to say what a great pleasure it has been knowing all of you and being a part of your lives.

Each of you has, in your own way, contributed to my life.

Now, to get down to the business at hand, I have had many choices concerning how I

wanted to go. Most of them are very civilized, particularly hospice care. A hospice makes it very easy for you when you decide to go.

What's interesting is that everybody has his or her own opinion as to how you should go out. All my loved ones became very upset because they thought I should brave it out—which meant more dialysis.

But here is the most important thing: This has been my decision. And it's a healthy one.

The person who was the most supportive at the end was my doctor, Mike Newman. Members of my family, while they didn't want me to go, were supportive, too.

But I'm putting it down on paper, so there should be no question the decision was mine.

I chose to spend my final days in a hospice because it sounded like the most painless way to go, and you don't have to take a lot of stuff with you.

For some reason my mind keeps turning to food. I know I have not eaten all the *éclair*s I always wanted. In recent months, I have found it hard to go past the Cheesecake Factory without at least having a profiterole and a banana split.

I know it's a rather silly thing at this stage of the game to spend so much time on food. But then again, as life went on and there were fewer and fewer things I could eat, I am now punishing myself for having passed up so many good things earlier in the trip.

I think of a song lyric, "What's it all about, Alfie?" I don't know how well I've done while I was here, but I'd like to think some of my printed works will persevere—at least for three years.

I know it's very egocentric to believe that someone is put on earth for a reason. In my case, I like to think I was. And after this column appears in the paper following my passing, I would like to think it will either wind up on a cereal box top or be repeated every Thanksgiving Day.

So, "What's it all about, Alfie?" is my way of saying goodbye.

DEATHS IN IRAQ

Mr. KENNEDY. Madam President, yesterday morning, January 17, a convoy carrying a staff member of the National Democratic Institute and members of her security team was ambushed in Baghdad.

Andrea Parhamovich, an American citizen, was killed. Three other NDI employees, citizens from Croatia, Hungary, and Iraq, also lost their lives in the attack.

Since June 2003, the National Democratic Institute has been working with Iraqi citizens, outside the Green Zone and at great risk, to help build the foundations on which a true democracy depends. I did not know Ms. Parhamovich, whose life was taken so tragically yesterday. But all of us recognize the ideals which inspired her to undertake such a dangerous mission for her country and the people of Iraq.

I offer my deepest respect and appreciation to her last true measure of devotion to democratic ideals. To her family, and the families of those who were also killed, I offer my deepest condolences.

ADDITIONAL STATEMENTS

TRIBUTE TO LAMESA MARKS-JOHNS

• Mr. BUNNING. Madam President, today I pay tribute to LaMesa Marks-

Johns of Louisville, KY, for being recognized as one of America's top educators in the 2006 Milken Family Foundation National Educator Awards.

The annual Milken Family Foundation National Educator Award was established in 1985, and recipients consist of a network of teachers, principals, and specialists who serve as experts for policymakers seeking to improve the quality of teachers and public education. Award recipients assist in developing comprehensive strategies and policies to ensure that every child receives the highest quality educational experience possible.

Ms. Marks-Johns, a teacher at Shacklette Elementary School, has been recognized by the Milken Family Foundation for her continuing efforts to provide educational experiences in the classroom. She inspires her students to achieve academically and contribute to the community. Ms. Marks-Johns sets an example of leadership for both colleagues and students alike.

I now ask my fellow colleagues to join me in thanking Ms. Marks-Johns for her dedication and commitment to education. In order for our society to continue to advance in the right direction, we must have teachers like LaMesa Marks-Johns in our schools, in our communities, and in our lives. She is Kentucky at its finest. •

RECOGNIZING MR. WILLARD LASSETER

• Mr. CHAMBLISS. Madam President, it is with great pride that today I honor my dear friend and fellow Georgian, Willard Lasseter, who recently completed his 50th year with John Deere's Lasseter Tractor Company, Inc. Willard and I not only share a strong desire for a successful agriculture sector throughout Georgia and the United States, but we also share the same hometown of Moultrie, GA.

Willard began his many years of service to the farmers of Colquitt County in 1945 when he began to work part time for the local John Deere dealership. In 1956, with a little over \$14,000 in borrowed money, Willard purchased a 25 percent share of the John Deere dealership and on December 1, 1956, Lasseter Tractor Company, Inc. had its first day of business. By 1959, Willard, along with help from his father, had secured the remaining shares of the John Deere dealership. The success of the business was almost instantaneous as Lasseter Tractor Company became the No. 1 dealer in terms of sales volume for the Atlanta branch of John Deere dealerships by 1960.

Since its first day of business Lasseter Tractor Company, Inc. has been a model dealership for Deere and Company. Lasseter Tractor Company, Inc.'s many accomplishments include being named to the John Deere's Manager Club for 12 consecutive years, being a John Deere Signature Dealer for top performance in the market place for 5 consecutive years, and being a Gold Star dealer for top performance in commercial products in 2005, 2006,

and 2007. Lasseter Tractor Company, Inc. has also garnered the top market share in the Atlanta branch of dealerships for 3 consecutive years.

Through the years, Lasseter Tractor Company, Inc. has continued to expand and prosper. In the late 1990's Lasseter Tractor Company, Inc. began construction of a state-of-the-art dealership and service facility that encompasses over 45,000 square feet. The service center itself can accommodate over 20 cotton pickers. This is not only an important feature but it is also a necessary feature because Lasseter Tractor Company, Inc., is among the top dealerships for sales and servicing of cotton pickers.

Today's Lasseter Tractor Company, Inc., spans south Georgia with dealerships in three counties. Not only has the business increased in size but also in the number of generations that are now involved in the business. Lasseter Tractor Company, Inc., now includes Willard's son Tony and grandson Judd, who oversee the day-to-day operations of the business. One philosophy that Lasseter Tractor Company, Inc., has maintained throughout its existence is: "You must give your customers the best product at the fairest price possible." This is a philosophy that has allowed the company to continue to meet and exceed the needs of its customers.

It is hard to imagine what the state of agriculture might be in southwest Georgia if that young high school student, Willard Lasseter, did not step into the John Deere dealership in Moultrie, GA, in 1945 to begin working part time.

I am extremely proud of the milestone that Willard has just met and it is my sincere hope that he continues his success in the agribusiness community for many years to come. I want to thank my colleagues for giving me the opportunity to recognize my dear friend Willard Lasseter. •

HONORING THOMAS WATSON BROWN

• Mr. ISAKSON. Madam President, today I mourn the passing and pay tribute to a wonderful Georgian and a personal friend. Thomas Watson Brown passed away on January 13, 2007, leaving a tremendous void in the hearts of all who knew and loved this extraordinary gentleman.

Although he was a longtime resident of Marietta, GA, Tom was actually born here in our Nation's Capital where he attended Saint Alban's School. He graduated magna cum laude from Princeton with a degree in history and served a stint in the U.S. Army. He graduated from Harvard Law School in 1959 and moved to Atlanta where he practiced law until his death.

Although Tom was not originally from Georgia, his family had deep Georgia roots. His great-grandfather was U.S. Senator Tom Watson, who

was nominated in 1896 for Vice President on the Populist Party ticket with William Jennings Bryan. Brown's grandfather, J.J. Brown, served as Georgia's commissioner of agriculture.

Tom was a character unlike any other. He often described himself as an "18th-century gentleman" and held court in his antebellum mansion on Cherokee Street near the Marietta Square arguing politics with a host of different personalities. History was his greatest passion, especially the Civil War era. He had an unmatched intellect and was a respected historian. He preferred his 10,000-volume library to a personal computer.

Tom was also always ready to support education. He was the former chair of the Watson-Brown Foundation, established by his father Walter Brown in 1970 to provide college opportunities for underprivileged boys and girls. Today his son Tad is president of the foundation, which awards more than \$1 million annually in merit- and need-based college scholarships to students from the Central Savannah River Area of Georgia and South Carolina. The foundation also gives grants in support of southern colleges and universities. Recipients of these grants include the University of Georgia for a broadcast museum, Georgia College and State University in Milledgeville for its library, and Mercer Press in Macon for publications of numerous books of Southern history and biography.

Tom led numerous business, civic, philanthropic, and scholarly organizations. He served on the boards of the Atlanta Historical Society, the Georgia Historical Society, the Georgia Civil War Commission, the Atlanta Legal Aid Society, and the Georgia Legal History Foundation. He was also an enthusiastic supporter of the Atlanta Press Club and helped fund its debates each election cycle.

Tom was awarded the Martin Luther King, Jr., Center's community service award for peace and justice. Coretta Scott King herself presented him with the award for his substantial contributions to and support of the Legal Aid Society of Atlanta.

This strong-willed and generous man will always be remembered for his keen intellect and his devotion to history and education. He touched the lives of many Georgians, including this Senator, through his efforts on behalf of our community and State.

It was an honor to know Thomas Watson Brown and it is a privilege to pay tribute to his life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM #1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2007. The most recent notice continuing this emergency was published in the *Federal Register* on January 20, 2006 (71 FR 3407).

The crisis with respect to the grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process and that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, January 18, 2007.

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 31. A concurrent resolution honoring the Mare Island Original 21ers for their efforts—to remedy racial discrimination in employment at Mare Island Naval Shipyard.

At 6:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Rules and Administration, and referred as indicated:

S. Res. 32. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; to the Committee on Small Business and Entrepreneurship.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Energy and Natural Resources.

H.R. 434. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 31, 2007, and for other purposes; to the Committee on Small Business and Entrepreneurship.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 31. Concurrent resolution honoring the Mare Island Original 21ers for their efforts to remedy racial discrimination in employment at Mare Island Naval Shipyard; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 391. An act to authorize the Secretary of Housing and Urban Development to continue to insure, and to enter into commitments to insure, home equity conversion mortgages under section 255 of the National Housing Act.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6. An act to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-387. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Docket No. APHIS-2006-0117) received on January 17, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-388. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a periodic report relative to the national emergency declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-389. A communication from the Regulatory Specialist, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Management Official Interlocks" (RIN1557-AD01) received on January 17, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-390. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Look-Thru Rule for Related Controlled Foreign Corporations" (Notice 2007-9) received on January 17, 2007; to the Committee on Finance.

EC-391. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Investor Control and General Public" (Rev. Rul. 2007-7) received on January 17, 2007; to the Committee on Finance.

EC-392. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Multiple Distribution Issues Under the Pension Protection Act of 2006" (Notice 2007-7) received on January 17, 2007; to the Committee on Finance.

EC-393. A communication from the Center for Employee and Family Support Policy, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program: Discontinuance of Health Plan in an Emergency" (RIN3206-AK95) received on January 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 32. A resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mrs. LINCOLN, and Ms. SNOWE):

S. 329. A bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services; to the Committee on Finance.

By Mr. ISAKSON:

S. 330. A bill to authorize secure borders and comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. SALAZAR, and Mr. HAGEL):

S. 331. A bill to provide grants from monies collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 332. A bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. DOLE (for herself, Mr. BURR, Mr. INOUE, and Ms. MIKULSKI):

S. 333. A bill to provide for the acknowledgment of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN:

S. 334. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. AKAKA, Mr. LEAHY, Mr. LEVIN, Mr. KENNEDY, Ms. CANTWELL, Mr. ROCKEFELLER, Mr. KERRY, Mr. INOUE, Mr. CARDIN, Mrs. BOXER, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 335. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. LEVIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. STABENOW, and Mr. LUGAR):

S. 336. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SUNUNU:

S. 337. A bill to require the FCC to issue a final order regarding white spaces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. WYDEN, Mr. VITTER, Mr. DORGAN, and Mrs. LINCOLN):

S. 338. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improve-

ments under the Medicare program; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, Mr. GRAHAM, Mr. SALAZAR, Mr. SESSIONS, Mr. BINGAMAN, Mr. LUGAR, Mr. OBAMA, Ms. COLLINS, Mr. NELSON of Florida, Mr. AKAKA, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mrs. LINCOLN, Mr. MENENDEZ, Mr. SCHUMER, and Mr. TESTER):

S. 339. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. KENNEDY, Mr. MARTINEZ, Mrs. BOXER, Mr. VOINOVICH, Mr. LEAHY, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, Mr. OBAMA, Mr. HAGEL, Mr. SCHUMER, Mr. DOMENICI, Mr. KOHL, Mr. SALAZAR, and Mrs. MURRAY):

S. 340. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 33. A resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. Res. 34. A resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 43

At the request of Mr. ENSIGN, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 46, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 122

At the request of Mr. BAUCUS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 237

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 237, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 238

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 238, a bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 267

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 267, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

S. 269

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 269, a bill to amend the Internal Revenue Code of 1986 to increase and permanently extend the expensing of certain depreciable business assets for small businesses.

S. 284

At the request of Mr. CONRAD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as

cosponsors of S. 284, a bill to provide emergency agricultural disaster assistance.

S. CON. RES. 2

At the request of Mr. BIDEN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

S. CON. RES. 3

At the request of Mr. SALAZAR, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

AMENDMENT NO. 20

At the request of Mr. BENNETT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 20 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 34

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 34 proposed to S. 1, a bill to provide greater transparency in the legislative process.

AMENDMENT NO. 39

At the request of Mr. CARDIN, his name was added as a cosponsor of amendment No. 39 proposed to S. 1, a bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ISAKSON:

S. 330. A bill to authorize secure borders and comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

Mr. ISAKSON. Mr. President, I am pleased to rise today before the Senate. This is an issue this Senate visited 9 months ago in the month of May. Nine months ago, the Senate tackled what I submit is the most important domestic issue in the United States of America and in every State. That is the issue of legal immigration and illegal immigration.

In that debate of what became known as a comprehensive immigration reform bill, I submitted an amendment that ended up being amendment No. 1. The amendment simply said that before any provision of this act that

grants legal status to someone who is in America illegally takes effect, the Secretary of Homeland Security will certify to the Congress that all of the provisions of border security contained in the bill were funded, in place, and operational. It became known as a trigger—and it was a trigger—because the immigration issue is not like when you can never figure what is the chicken, what is the egg, and what came first. There is no way to reform illegal immigration unless you first stop the porous borders we have and the flow of illegal immigrants. But to do only one without the other is a terrible mistake.

The result of last year's debate was the Senate passed a bill without the trigger that granted new legal statuses. Although it provided for the authorization of border security, it did not provide for the guarantee of border security. The House reaction was, we want border security only, and the debate to this day between the House and the Senate has been the Senate is for comprehensive reform and the House is for border security only and never the twain will meet. The twain must meet. It is the No. 1 domestic issue.

I come to the Senate today to introduce a major immigration reform bill that is the bridge from where we are to where we must go. For a moment, I will discuss the provisions of that proposal.

First of all, it contains the trigger. It predicates any reform of immigration that grants legal status to someone here illegally to be noneffective until we have first closed the doors to the south and to the north. It provides for all the security measures the Senate passed last year—and they are 2,500 new port-of-entry inspectors, 14,000 border inspectors, trained and ready to deploy, \$454 million for unmanned aerial vehicles to give us the 24/7 eyes in the sky essential to enforcement on our border, authorization and ultimate appropriation for those barriers and those fences and those roads that are necessary for our agents to patrol, 20,000 beds for detention, to end the practice of cash and release.

When I came to the Senate 2 years ago as a Georgian and one who loves the outdoors, I thought "catch and release" was a fishing term. I found out it became a border term, where we would catch people, tell them to go home, release them and they would wait for us to leave and come back again.

We must remember the reason we have this problem is we have the greatest Nation on the face of this Earth. We do not find anyone trying to break out of the United States of America. They are all trying to break in and for a very special reason: The promise of hope, opportunity, and jobs. But we must make the right way to come to America be the legal way to come to America, not the ease of crossing our border in the dark of night under some other cover.

Lastly, an integral part of border security is a verifiable program, where

America's employers can be given a verifiable ID by someone who is here legally that verifies they are who they say they are. The biggest growth industry in the United States of America on our southwestern border is forged documents. We have a proliferation today of forged documents, where illegal aliens have legal-looking documents and we have a customs and immigration system that cannot tell an American farmer or an American employer that, in fact, the document they were shown is, in fact, right or wrong. That has to be fixed.

Once those provisions are in, we have a secure border. Interestingly enough, it takes about the same amount of time to put in the barriers, get unmanned aerial vehicles in the air, train the border security and port-of-entry people as it takes to get the verifiable identification system in place. We know both will take about 24 months.

When we have the trigger, it does not protract reform, but it precedes the implementation of what is going to take 24 months to do anyway. And all of a sudden we have a new paradigm in America. Those who want to come here realize the way to come is the legal way, not the illegal way. They learn there are consequences to coming illegally and employers know when they get an ID they can either swipe it on a computer or they can go up on the Internet and code to customs and immigration and find out that person is legal. The paradigm changes, and then the hope and opportunity of reforming legal immigration in this country can become a reality.

I am not an obstructionist to doing it. In fact, if anything needs to be done, we need to reform the legal system because we almost promote, through the rigidity and difficulty of legal immigration, coming here illegally because we are looking the other way on the border. We have a historical precedent.

In 1986, we reformed immigration with the Simpson Act. We granted 3 million people amnesty, said we were going to secure the border and didn't. Today, we have 12 million because we did not secure that border. That can never happen again.

Second, if the border is secure and we give people who are here illegally but are lawfully obeying the laws a chance to come forward, we can identify who is here who is not a problem.

And you, also, leave open, for those who do not come forward whom you must concentrate on, to see to it they are not here for the wrong reasons and they go home. But you can never enforce the system internally before you first close the external opportunity to come through illegal immigration.

Mr. President, in May 1903, Anders Isakson came through Ellis Island because of the potato famine in Scandinavia. In 1916, my father was born to him and his wife, Josephine. My father became a citizen of this country because he was born on our soil. In 1926, my grandfather became a naturalized

citizen of the United States of America.

In my home today, framed and hanging on the wall, are his naturalization certificates from 1926, when he raised his right arm and pledged his allegiance to the United States of America. There is no one who has greater respect and greater joy in the promise of this country and the opportunity of immigration. But we must begin restoring the respect for legal immigration and shutting the door on illegal immigration, or else those lines become blurred, and the stress we have on our social service system, civil justice system, public health system, and public education system that is stretched to the limit because of illegal aliens today will increase.

We owe it to the history of our country and the greatness which makes us great to secure our borders, to honor legal immigration, and to move forward with a reform of illegal immigration that matches the economic needs of the United States of America.

I stand on the Senate floor today committed to work with any Member of this Senate for comprehensive reform, as long as its cornerstone in its foundation is that we fix the problem on our borders, have it certified, and have that fix be the foundation for the modernization and reform of our immigration laws.

Mr. President, I thank you for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Georgia. He has described something that for the last several months I have been calling the Isakson principle. I believe the Isakson principle is the basis for a comprehensive immigration bill that could attract 85 to 90 votes in the Senate and could, in a fairly short period of time, be reconciled with legislation passed by the House of Representatives.

It would be a single piece of legislation that would work in two stages. It would first secure our border; and then, as the Senator from Georgia says, the trigger would come in, and we would get the rest of the job done. And the rest of the job includes defining who can work and who can study in the United States if they come from overseas. The rest of the job also includes helping prospective citizens, of which there are about a million a year today—people who are here legally—to help them learn English, to learn our history, and to learn our democratic traditions so we can be one country.

There is a lot of talk this week about the borders of Iraq. I believe there are some more important borders in this world, at least to us Americans, and they are the borders around our own country. It is more important that we secure our borders at home than it is to secure the borders in Iraq.

Last year, both the Senate and the House of Representatives passed an im-

migration bill. I voted no on the Senate immigration bill. I opposed the bill because I did not believe it did enough to secure our borders. It had some good proposals for border security, and it had a number of other excellent proposals, but it did not guarantee they would be funded. We all know that border security on paper means nothing. It requires boots on the ground. It requires jeeps on the roads and unmanned aerial vehicles in the air. It requires an employer verification system. And it requires adequate funding.

So I voted no. But I said at the time I was ready to vote for, and wanted to vote for, a comprehensive bill, one that fixed the whole problem. And I suggested then, as did a number of others, that the basis for such a bill was the Isakson principle.

Well, instead of getting a bill passed into law, it was a political year, and some Members of the House of Representatives, including some members of my own party, thought the wiser course was basically to run against the Senate bill that I voted against. Well, we now know how successful that turned out to be. That was not successful because the American people expect us to act like grownups, deal with big issues, and come to a conclusion.

There is no issue upon which we in the Congress have more need to come to a conclusion on than the issue of immigration. It is our responsibility. We cannot kick it to the Governors. We cannot blame the mayor of Nashville. We cannot blame anybody in Iraq. It is our job in the Senate and the House of Representatives.

We should begin to do our job. We should take it up within the next few weeks. We should base our bill on the Isakson principle. And we should not stop our work on the immigration bill until we are finished.

The Isakson principle is the basis for success with immigration because of the so-called trigger. As the Senator from Georgia said, once we put into effect all of the things we need to do to secure the border, the trigger operates, and then we get to all the rest of the issues, some of which are hard to solve. But they are made much easier to solve once we and the American people are assured the border will be secured.

It is outrageous for us in the Senate to preach about the rule of law to the rest of the world and ignore it here at home. The rule of law is one of the most important principles of our country. We should make no apology, not be embarrassed 1 minute for insisting upon it. Every new citizen knows that. They do not come to this country to become an American based upon their color or their ethnic background. They come because to be an American, you believe in a few principles which you must learn if you are going to become a citizen. Foremost among those is the rule of law.

So we start with that. But that is not the only principle new citizens learn. There is the principle of *laissez-faire*—

in other words, a strong economy. And immigrants help a strong economy, whether they are going to be Nobel Prize winners or whether they are going to be picking fruit in California.

There is the principle of equal opportunity. There is the principle of *e pluribus unum*, engraved right up there above the Presiding Officer: How do we become one country? We learn our tradition. We learn a common language. We adhere to common principles, instead of color and background. And there is the tradition of the country that we are a nation of immigrants. By our failure to act, we are showing a lack of respect for the rule of law and a lack of respect for our tradition as a nation of immigrants.

It is especially outrageous for us not to act when there is no one to blame but us. We cannot blame Syria for this one. We cannot blame the Iraqi Government. We cannot blame Iran. We cannot blame al-Qaida. It is us. It is our job. So, Mr. President, I am here today to commend the Senator from Georgia. Since last fall, he has had before us the basis for sound, comprehensive immigration legislation—all in one bill; two parts: secure our borders; and once that is done, then all the rest of it. I believe that would attract 85 or 90 votes. And I would suggest, respectfully, to my friend, the Democratic leader, and my friend, the Republican leader, that if we are looking for things to do that are important, that the American people expect us to act on, that we have already demonstrated we can work on together, that within a few weeks we take up the matter of immigration, we base it on the Isakson principle, and we do not stop until we finish the job.

By Mr. THUNE (for himself, Mr. SALAZAR, and Mr. HAGEL):

S. 331. A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels; to the Committee on Energy and Natural Resources.

Mr. THUNE. Mr. President, I rise today along with my colleague from Colorado, Senator SALAZAR, regarding S. 331, the Alternative Energy Refueling Systems Act of 2007. The bill is a very straightforward measure that seeks to increase the number of alternative refueling stations across our country, something that I hope the full Senate will support later this year.

Today, there are over 9 million alternative fuel automobiles on the road in America. However, while automakers have pledged to produce an increasing number of these vehicles, there is a serious shortfall in the number of gas stations to support these vehicles. For instance, while there are more than 6 million flex-fuel vehicles on the road today which can run on E-85 or gasoline, less than 1 percent of all gas stations in this country offer E-85 fuel.

Clearly, more must be done to increase the availability of alternative fuels at the retail level.

The Alternative Energy Refueling Systems Act would authorize the Department of Energy, through the existing Clean Cities Program, to provide grants to gas station owners who will install alternative refueling systems. These grants would greatly assist in expanding the availability of alternative fuels such as E-85, which is a mix of 15 percent gasoline and 85 percent ethanol, or biodiesel, natural gas, compressed natural gas, hydrogen, or liquefied petroleum gas.

Under this legislation, gas station owners who wish to install a new alternative fuel tank would be reimbursed for up to 30 percent of the cost, not exceeding \$30,000, of expenses related to the purchase and installation of a new alternative refueling system. Keep in mind that subject to an annual appropriations, funding for these grants would come from a portion of the penalties that are collected annually from auto manufacturers who violate the Corporate Average Fuel Economy, or CAFE standards, most of which are foreign automakers.

I have to say the cost to install a pump like this generally runs somewhere from \$30,000 to \$40,000 to about \$200,000, depending on where you are in the country. So obviously, it is a big investment for a lot of these filling station owners. But the fact is, they need to have an incentive and some assistance to make sure we are closing the gap that exists in this country between the production of renewable energy—a lot of ethanol production is going on in the country. In my State alone we have 11 plants currently operating, 5 more under construction, and we will be, by 2008, at 1 billion gallons annually of ethanol in South Dakota alone. So when you add to that the ethanol that is produced in other areas of the Midwest, we have a lot of production out there, and I think we have a big market growing. We have a renewable fuels standard that requires that we use 7.5 billion gallons annually by the year 2012, which, frankly, I think we will eclipse way before that time. Because at the current rate of production, we are going to blow by that in a very short time.

But that being said, there is a requirement out there that a market develop for this. We have a lot of consumers around the country who would like to have access to renewable energy who believe for a lot of reasons, as I do, that it makes sense to lessen our dependence upon foreign sources of energy, to become more energy secure. It cleans up the environment and, obviously, in my part of the country, it is very good for American agriculture. But what we are missing in that distribution system is the retail level. We have the production, we have the demand, we have a renewable fuels standard, we have a market, but we don't have a way of joining those. Because of

the costs associated with installing some of these pumps, a lot of filling station owners are reluctant to do so. What this would do is provide up to \$30,000 or 30 percent of the cost not to exceed \$30,000 toward that end. So we think this is a very commonsense approach to doing something that we really need to be doing in America today, and that is moving away from our dependence upon the oil industry for our energy.

I wanted to tell my colleagues a little bit about who supports this piece of legislation. We have a number of businesses, agricultural and alternative energy groups, including General Motors, Ford Motors, Daimler Chrysler—all the big domestic automakers—Wal-Mart, the Petroleum Marketers Association of America, the National Ethanol Vehicle Coalition, the National Association of Fleet Administrators, the Renewable Fuels Association, the National Biodiesel Board, the National Corn Growers Association, the American Soybean Association, the American Coalition for Ethanol, and the National Association of Truck Stop Operators.

So up and down the so-called food chain, from the production, the corn growers, the manufacturers of vehicles in this country, those who are involved at the retail level with getting fuel out there—filling stations, convenience stores—all the agricultural organizations, as I said, the ethanol industry, are all very much supportive of this particular piece of legislation.

A measure very similar to this overwhelmingly passed in the House of Representatives by a vote of 355 to 9 back on July 4 of 2006. Unfortunately, the Senate was unable to consider our companion measure before adjourning last year.

So Senator SALAZAR and I wholeheartedly believe this is a commonsense measure that will significantly increase the number of alternative refueling stations nationwide. As I said earlier, it accomplishes a lot of objectives that are important from a policy standpoint, a national security standpoint, energy security standpoint, and an environmental standpoint. This, to me, is a win-win, and I hope the Senate will act on it before this year is out. Hopefully, we will start to consider very seriously in the weeks and months ahead energy legislation and another farm bill, which I hope will have a very robust energy title included in it. It is high time we did something substantial to lessen or to close this gap we have and this problem that needs to be addressed in terms of our ability to continue to grow the renewable fuels industry in this country, home-grown energy, energy that we get on an annual basis.

We raise a corn crop every year in South Dakota, as they do in Iowa, Minnesota, and Nebraska and in other States across this country which are all starting to realize the benefits of ethanol production and what it means to their agricultural economy. So this

is a good piece of legislation that makes sense in so many ways. I hope the very clear logic of it will help us prevail in getting it passed in the Senate this year.

This legislation is cosponsored by Senator HAGEL of Nebraska and Senator CONRAD of North Dakota. I again put this bill before the Senate, and I look forward to its consideration.

Mr. SALAZAR. Mr. President, I join my colleague Senator THUNE today in introducing S. 331, the Thune/Salazar Alternative Fuel Grant Program. I am proud that Senators HAGEL and CONRAD are also joining us in this effort.

This morning I spoke about the dire threat that our dependence on foreign oil poses to our energy security and our national security. We are simply too vulnerable to oil shocks, supply disruptions, and the whims of oil-rich and democracy-poor countries.

It is time to build a new, clean energy economy that runs on biofuels, wind, solar, and alternative energies. This clean energy economy will move us out of the shadows of our oil dependence. Our farmers, ranchers, engineers, and entrepreneurs should play a lead role in this clean energy revolution, and Congress should do more to help them.

The bill that Senator THUNE and I are introducing today, S. 331, is a straightforward bill that will help expand the availability of alternative fuels at our Nation's filling stations.

It aims to solve a key problem that is slowing the growth of alternative fuels in the transportation sector. Although our farmers and ranchers are producing more and more biofuels each year, and our car manufacturers are building more and more vehicles that run on E-85, consumers still have a difficult time finding anything but gasoline at their filling station.

Our alternative fuel infrastructure is woefully behind the times. At last count, only a few hundred filling stations around the country carried E-85 fuel, while more than 6 million flexible fuel vehicles are on the road.

Consumers should have the choice of whether to fill their car with biofuels or with gasoline. Unfortunately, most of them do not.

The bill we are introducing is simple. It would provide grants to eligible gas station owners, farmers, and businesses that install pumps to deliver alternative fuels, such as natural gas or E-85.

The bill uses funds collected through CAFE penalties—approximately \$20 million—for grants of up to \$30,000. The funding would still be subject to annual appropriations and is budget neutral.

This bill will dramatically improve the availability of alternative fuels to consumers. It will allow those with E-85 vehicles to finally use the fuel they dream of using. It will also put in place the infrastructure we need for cellulosic ethanol, which is expected to come to market in just a few years.

I urge my colleagues to take a serious look at this bill—it is common sense, straightforward, fills a clear need, and is fiscally responsible.

I again thank my colleague from South Dakota for his leadership on this matter.

By Mr. WYDEN:

S. 334. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

Mr. WYDEN. Mr. President, it has been more than a decade since the U.S. Senate last addressed fixing health care. I do not think it is morally right for the Senate to duck on health care any longer and that is why I am proposing legislation today to provide affordable, guaranteed, private health coverage for all Americans.

The legislation, called the Healthy Americans Act, ensures care for the 46 million Americans who now live without health insurance, frees business owners from the skyrocketing costs of insuring their workers, and promises every American health care coverage that can never be taken away. My proposal is fully paid for, holds down health care cost growth in the future and provides coverage just like Members of Congress can get now.

America spent \$2.2 trillion on health care last year. PriceWaterhouseCoopers expects premiums will increase 11 percent this year alone and I believe the American health care system as we know it is not sustainable.

Our current employer-sponsored health insurance system is a historic accident. In the 1940s, employers needed a way to attract workers as wage and price controls continued. Our country needs a uniquely American solution that works for an economy that is competing not just with the company across town but the company across the world. Americans need a health care system that works for individuals and families, and encourages people to stay healthy instead of only seeking care after they are sick.

The Healthy Americans Act does this and more. It doesn't take long to explain how the Healthy Americans Act works. From the first day individuals, families and businesses win. The Healthy Americans Act cuts the link between health insurance and employment altogether. Under the Healthy Americans Act, businesses paying for employee health premiums are required to increase their workers' paychecks by the amount they spent last year on their health coverage. Federal tax law is changed to hold the worker harmless for the extra compensation, and the worker is required to purchase private coverage through an exchange in their State that forces insurance companies to offer simplified, standardized coverage, with benefits like a Member of Congress gets, and prohibits insurers from engaging in price discrimination.

Requiring employers to cash out their health premiums, as I propose in the Healthy Americans Act, is good for both employers and workers. With health premiums going up 11 percent this year, employers are going to be glad to be exempt from these increases. With the extra money in their paycheck, workers have a new incentive to shop for their health care and hold down their cost. If a worker can save a few hundred dollars on their health care purchase, they can use that money for something else they need.

In addition, the Healthy Americans Act is easy to administer and guarantees lifetime health security. Once you have signed up with a plan through an exchange in the State in which you live, that is it; you have completed the administrative process. Even if you lose your job or you go bankrupt, you can never have your coverage taken away. Sign up, and the premium you pay for the plan and all of the administrative activities are handled through the tax system. For those who cannot afford private coverage, the Healthy Americans Act subsidizes their purchases.

Businesses that have not been able to afford health coverage for their workers, under the new approach, will pay a fee—one that is tiered to their size and revenue, with some paying as little as 2 percent of the national average premium amount per worker for that basic benefit package.

It will be easy to administer, locally controlled, with guaranteed coverage as good as your Member of Congress gets. The Lewin Group has costed out my proposal and reports that it is fully paid for and in addition to expanding coverage for millions of people, guaranteeing health benefits as good as their Member of Congress gets, it also saves \$4.5 billion in health spending in the first year. Money is saved by reducing the administrative costs of insurance, reducing cost shifting, and preventing those needless hospital emergency room visits. Also, there are substantial incentives that come about because insurance companies would have to compete for the business of consumers, who would have a new incentive to hold down health costs.

There are other parts of the Healthy Americans Act I wish to describe briefly. As the name of the legislation suggests, I believe strongly that fixing American health care requires a new ethic of health care prevention, a sharp new focus in keeping our citizens well, and trying to keep them from falling victim to skyrocketing rates of increase in diabetes, heart attack, and strokes.

Spending on these chronic illnesses is soaring, and it is especially sad to see so many children and seniors fall victim to these diseases. Yet many Government programs and private insurance devote most of their attention to treating Americans after they are ill and give short shrift to wellness.

Under the Healthy Americans Act, there will be for the first time significant new incentives for all Americans to stay healthy. They are voluntary incentives, but ones that I think will make a real difference in building a national new ethic of wellness and health care prevention.

Parents who enroll children in wellness programs will be eligible for discounts in their own premiums. Instead of mandating that parents take youngsters to various health programs—and maybe they do and maybe they don't—the Healthy Americans Act says when a parent takes a child to one of those wellness programs, the parent would be eligible to get a discount on the parent's health premiums.

Under the Healthy Americans Act, employers who financially support health care prevention for their workers get incentives for doing that as well. Medicare is authorized to reduce outpatient Part B premiums so as to reward seniors trying to reduce their cholesterol, lose weight, or decrease the risk of stroke. It has never been done before. For example, Part B of Medicare, the outpatient part, doesn't offer any incentives for older Americans to change their behavior. Everybody pays the same Medicare Part B premium right now. The Healthy Americans Act proposes we change that and ensures that if a senior from Virginia or Oregon or elsewhere is involved in a wellness program, in health care prevention efforts, like smoking cessation, they could get a lower Part B premium for doing that.

The preventive health efforts I have described are promoted through new voluntary incentives under the Healthy Americans Act, not heavy-handed mandates. What this legislation says is—let's make it more attractive for people to stay healthy and change their behaviors to promote the kind of wellness practices we all know we should do but need an incentive to follow.

Finally, and most importantly, the Healthy Americans Act does not harm those who have coverage in order to help those who have nothing. The legislation makes clear that all Americans retain the right to purchase as much health care coverage as they want. All Americans will enjoy true health security with the Healthy Americans Act, a lifetime guarantee of coverage at least as good as their Member of Congress receives.

A recent "Health Affairs" article pointed out that more than half of the Nation's uninsured are ineligible for public programs such as Medicaid, but do not have the money to purchase coverage for themselves.

At present, for most poor people to receive health benefits, they have to go out and try to squeeze themselves into one of the categories that entitles them to care. Under the Healthy Americans Act, low-income people will receive private health coverage, coverage that is as good as a Member of Con-

gress gets, automatically. Like everyone else, they will sign up through the exchange in their State. When they are working, the premiums they owe are withheld from their paycheck. If they lose their job, there is an automatic adjustment in their withholding.

In addition, under the Healthy Americans Act, it will be more attractive for doctors and other health care providers to care for the poor. Those who are now in underfunded programs, such as Medicaid, are going to be able to have private insurance that pays doctors and other providers commercial rates which are traditionally higher than Medicaid reimbursement rates.

Because low-income children and the disabled are so vulnerable, if Medicaid provides benefits that are not included in the kind of package Members of Congress get, then those low-income folks would be entitled to get the additional benefits from the Medicaid Program in their State.

The Healthy Americans Act also makes changes in Medicare. As the largest Federal health program, Medicare's financial status is far more fragile than Social Security. Two-thirds of Medicare spending is now devoted to about 5 percent of the elderly population. Those are the seniors with chronic illness and the seniors who need compassionate end-of-life health care. The Healthy Americans Act strengthens Medicare for both seniors and taxpayers in both of these areas.

In addition to reducing Medicare's outpatient premiums for seniors who adopt healthy lifestyles and reduce the prospect of chronic illness, primary care reimbursements for doctors and other providers get a boost under the Healthy Americans Act. Good primary care for seniors also reduces the likelihood of chronic illness that goes unmanaged. This reimbursement boost is sure to increase access to care for seniors—and I see them all over, in Oregon and elsewhere—who are having difficulty finding doctors who will treat them.

To better meet the needs of seniors suffering from multiple chronic illnesses, the Healthy Americans Act promotes better coordination of their care by allowing a special management fee to providers who better assist seniors with these especially important services.

Hospice law is changed so that seniors who are terminally ill do not have to give up care that allows them to treat their illness in order to get the Medicare hospice benefit. In addition, the Healthy Americans Act empowers all our citizens wishing to make their own end-of-life care decisions. The legislation requires hospitals and other facilities to give patients the choice of stating in writing how they would want their doctor and other health care providers to handle various end-of-life care decisions.

When I announced the Healthy Americans Act last December, I stood with an unprecedented coalition of labor and

business. Andy Stern, president of SEIU said "It is time for fundamental, not incremental change and Senator WYDEN has a plan that is practical and principle, and sets down a moral test" "Why doesn't every American have the right to the same health care as the President, the Vice President, 535 members of Congress and 3 million Federal workers?" Steve Burd, the CEO of Safeway, a Fortune 50 company that has focused on prevention and wellness, called the Healthy Americans Act "an innovative proposal that lays a foundation to begin a serious discussion on health care reform in this country."

Ron Pollack of Families USA, listed the principles embodied in the Healthy Americans Act that he believes are important: universality; subsidies to make the coverage affordable; community rating rules so the sicker and older are not priced out of the market; and benefits like a Member of Congress has today.

Also at my press conference was Mike Roach, of Portland, OR, a 30-year member of National Federation of Independent Businesses. He owns a clothing store in Portland and employs eight people. He believes the Healthy Americans Act will help him attract good employees. And Bob Beal, president of Oregon Iron Works, an Oregon-based company that competes internationally, believes that we must also address the skyrocketing health care costs that make it harder for companies like his in the international market place.

Like me, the people who stood by me when I announced the Healthy Americans Act believe we need to move the health care debate forward and cannot afford to let more time to go by. The last time Congress took a serious look at reforming health care, there wasn't anything resembling this kind of coalition of labor, business, low-income and end-of-life advocates standing together to call for action.

In tackling one-seventh of the economy, invariably technical issues arise. I want to thank many people who have assisted along the way. Len Nichols of the New America Foundation sent me e-mails at 2 in the morning that helped refine provisions. John Sheils, Randy Haught and Evelyn Murphy of the Lewin Group assisted in telling us our numbers worked or didn't. The Congressional Research Service staff followed up on questions from the common to the obscure. That group included: Bob Lyke, Jeanne Hearne, April Grady, Julie Whitaker, Christine Scott, Chris Peterson, Richard Rimkunas, Karen Trintz, Julie Stone and Andrew Sommers. The Senate Legislative Counsel staff translated the ideas and concepts into legislative language. They devoted an enormous amount of time in getting the ideas and the language right. I'd like to thank Mark Mathiesen, Mark McGunagle, Bill Baird, John Goetcheus, Stacy Kern-Sheerer, Kelly

Malone and Ruth Ernest for their patience and extraordinary effort.

On my staff, Joshua Sheinkman, my legislative director and Jeff Michaels, my administrative assistant, were instrumental in completing the tax and business sections of the bill. Emily Katz who started in my office as a legislative fellow and became a permanent part of the Wyden health team made sure we had credible facts and statistics. Last but not least, I would like to thank Stephanie Kennan, my Senior Health Policy Adviser for the last 9 years who played devil's advocate, worked through the conflicting and evolving ideas, and kept the many threads of the bill working together.

The full text of the Healthy Americans Act and the Lewin analysis are available on my Web site.

In closing, I believe that without your health, you don't get to the starting line of life. For too long, the Congress has dodged the debate and chosen to slice off parts of the issue. And as worthy as those past efforts have been to help certain segments of our citizens, all Americans deserve guaranteed coverage like their Member of Congress, and no one should go to bed at night worrying about losing their health care. It is time for Congress to provide 21st century solutions to one of the most important issues our country must address. The Healthy Americans Act starts that debate.

I ask unanimous consent, that the Healthy Americans Act section-by-section summary, and examples of how the legislation would affect individuals and families and employers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HEALTHY AMERICANS ACT SECTION BY SECTION

Section 1—Short Title and Table of Contents

Section 2—Findings

Section 3—Definitions

TITLE I: HEALTHY AMERICANS PRIVATE INSURANCE PLANS

Subtitle A—Guaranteed Private Coverage

Section 101: Guarantee of Healthy Americans Private Insurance Coverage: Within 2 years of enactment States must create a system as outlined in the bill to provide individuals the opportunity to purchase a Healthy Americans Private Insurance (HAPI) plan that meets the requirements of the Act.

Section 102: Individual Responsibility to Enroll: Adults (over age 19, U.S. citizens, not incarcerated) must enroll themselves and dependent children in a plan offered through the state-wide Health Help Agency (HHA) unless they provide evidence of enrollment or coverage through Medicare, a health insurance plan offered by the Department of Defense, an employee benefit plan through a former employer (i.e. retiree health plans), a qualified collective bargaining agreement, the Department of Veterans Affairs, or the Indian Health Service.

Religious Exemption: If a person opposes for religious reasons to purchasing health insurance the requirement may be waived.

Dependent Children: Each adult has the responsibility to enroll each child in a plan. Dependent children include individuals up to

age 24 claimed by their parents for deductions in the tax code.

Penalty for Failure to Purchase Coverage: If an individual fails to purchase coverage and does not meet the exceptions or the religious exemption, then a financial penalty will be assessed. The penalty is calculated by multiplying the number of uncovered months times the weighted average of the monthly premium for a plan in the person's coverage class and coverage area, plus 15 percent. Payments will be made to the HHA of the State in which the person resides. That agency also may establish a procedure to waive the penalty if the penalty poses a hardship. Each State shall determine appropriate mechanisms to enforce the requirement that individuals be enrolled, but the enforcement cannot be the revocation or ineligibility of coverage.

Subtitle B—Standards for Healthy Americans Private Insurance Coverage

Section 111: Healthy Americans Private Insurance Plans: At least two plans that meet the requirements of the Act must be offered through the Health Help Agency in each State. The offerings permitted through Health Help include several options: (1) a plan similar to the Blue Cross Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program as of January 1, 2007; (2) plans with additional benefits added to the standard plan so long as those benefits are priced and displayed separately; and (3) actuarial equivalent plans to the standard plan. In addition, plans must provide benefits for wellness programs; incentives to promote wellness; provide coverage for catastrophic medical events resulting in the exhaustion of lifetime limits; create a health home for the covered individual or family; ensure that as part of a first visit with a primary care physician, a care plan is developed to maximize the health of the individual through wellness and prevention activities; provide for comprehensive disease prevention, early detection and management; and provide for personal responsibility contributions at the time services are administered except for preventive items or services for early detection.

Family Planning: A health insurance issuer must make available supplemental coverage for abortion services that may be purchased in conjunction with a HAPI plan or an actuarially equivalent HAPI.

Actuarial Equivalent Plans: Actuarial equivalent plans have to have a set of core benefits that include preventive items and services; inpatient and outpatient hospital services; physicians' surgical and medical services; and laboratory and X-ray services. Like the other HAPI plans, actuarial equivalent plans cannot charge copays for prevention and chronic disease management items or services.

Coverage Classes: There will be the following coverage classes: (1) individual; (2) married couple or domestic partnership (as determined by a State) without dependent children; (3) coverage of an adult individual with 1 or more dependent children; (4) coverage of a married couple or domestic partnership as determined by a State with one or more dependent children.

Premium Determinations: Community rating or adjusted community rating principles established by the State will be used. States may permit premium variations based only on geography, smoking status, and family size. States may determine to have no variations.

A State shall permit a health insurance issuer to provide premium discounts and other incentives to enrollees based on participation in wellness, chronic disease management, and other programs designed to improve the health of participants.

Limitations: Age, gender, industry, health status or claims experience may not be used to determine premiums.

Section 112: Specific Coverage Requirements: This section requires existing provisions of law currently applied to group health markets to be applied to the plans offered through Health Help Agencies including: protections for coverage of pre-existing conditions; guaranteed availability of coverage; guaranteed renewability of coverage; prohibition of discrimination based on health status; coverage protections for mothers and newborns, mental health parity, and reconstructive surgery following a mastectomy; and prohibition of discrimination on the basis of genetic information.

This section also states that a HAPI plan shall not establish rules for eligibility for enrollment based on genetic information, and premiums and personal responsibility payments cannot be adjusted based on genetic information. A plan cannot request or require an individual to have a genetic test.

Section 113: Updating Healthy Americans Private Insurance Plan Requirements: The Secretary of Health and Human Services (HHS) shall create a 15-person advisory committee that will report annually to Congress and the Secretary concerning modifications to benefits, items and services. The committee members will include a health economist; an ethicist; health care providers including nurses and other non-physician providers; health insurance issuers; health care consumers; a member of the U.S. Preventive Services Task Force; and an actuary.

Subtitle C—Eligibility for Premium and Personal Responsibility Contribution Subsidies

Section 121: Eligibility for Premium Subsidies: Individuals and families with modified adjusted gross incomes of 100% of poverty (\$9,800 individual, \$20,000 for a family of four) and below will be eligible for a full subsidy with which to purchase health insurance. For individuals and families with income between 100% of poverty and 400% of poverty (\$39,200 for an individual, \$52,800 for a couple and \$80,000 for a family of four), subsidies will be provided on a sliding scale.

[Note: To calculate the subsidy level, the individual or family would first subtract the health deductions and a deduction for children in the family to determine the modified adjusted gross income. See deductions in Section 664.]

Individuals have 60 days to notify the HHA that there has been a change in income which may make them eligible or ineligible for the subsidy. States may also develop other mechanisms to ensure individuals do not have a break in coverage due to a catastrophic financial event.

Section 122: Eligibility for Personal Responsibility Contribution Subsidies:

Full subsidy: Individuals who have a modified adjusted gross income below 100 percent of poverty will receive a subsidy amount equal to the full amount of any personal responsibility contributions.

Partial subsidy: For individuals with modified adjusted gross incomes at or above 100 percent of poverty an HHA may provide a subsidy equal to the amount of any personal responsibility contributions the person incurs.

Section 123: Definitions and Special Rules: The term modified adjusted gross income means adjusted gross income as defined in the Internal Revenue Code increased by the amount of interest received during the year and the amount of any Social Security benefits received during the taxable year.

Taxable year to be used to determine modified adjusted gross income is determined by the individual's most recent income tax return and other information the Secretary may require.

Poverty Line is the meaning given in the Community Health Services Block Grant.

The Secretary shall promulgate regulations to be used by the HHAs to calculate premium subsidies and personal responsibility subsidies for individuals whose modified adjusted gross income is significantly lower than for the previous year being used to calculate the premium subsidy.

Special Rule for Unlawfully Present Aliens: Subsidies may not go to adult illegal aliens.

Special Rule for Aliens: If an alien owes either a premium payment or a penalty, the alien's visa may not be renewed or adjusted.

Bankruptcy: Debts created by failing to pay premiums are not dischargeable through bankruptcy.

Subtitle D—Wellness Programs

Section 131: Requirements for Wellness Programs:

Defining Wellness: Wellness programs must consist of a combination of activities designed to increase awareness, assess risks, educate and promote voluntary behavior change to improve the health of an individual, modify his or her consumer health behavior, enhance his or her personal well-being and productivity, and prevent illness and injury.

Discounts on premiums: Individuals who participate successfully in approved wellness programs are eligible for a discounted premium, including rewarding parents if their child participates in an approved wellness program. Determinations concerning successful participation by an individual in a wellness program shall be made by the plan based on a retrospective review of the activities the individual participated in and the plan may require a minimum level of successful participation.

A plan may choose to provide discounts on personal responsibility contributions.

Wellness programs approved by the insurer must be offered to all enrollees and permit enrollees an opportunity to meet a reasonable alternative participation standard if it is medically inadvisable to attempt to meet the initial program standard. Participation in wellness programs cannot be used as a proxy for health status.

To be an approved wellness program, the program must be designed to promote good health and prevent disease, is approved by the HAPI plan, and is offered to all enrollees.

Employers may deduct the costs of offering wellness programs or worksite health centers.

TITLE II: HEALTHY START FOR CHILDREN

Subtitle A—Benefits and Eligibility

Section 201: General Goal and Authorization of Appropriations for HAPI Plan Coverage for Children: The general goal of Healthy Start is to ensure all children receive health coverage that is good quality, affordable and includes prevention-oriented benefits.

Funds needed for this section are to be appropriated.

If a child is in a family with an income of 300% or below and the child does not have coverage, Healthy Start shall ensure the child is enrolled in a plan. The States and insurers shall create a separate class of coverage for children not enrolled in a plan by an adult. A child is defined as those under the age of 18 or in the case of foster care, under the age of 21.

Section 202: Coordination of Supplemental Coverage under the Medicaid Program to HAPI Plan Coverage for Children: If a child was receiving services through Medicaid that are not offered through the private coverage offered through Health Help, Medicaid will continue to provide that assistance. This in-

cludes Early Periodic Screening Diagnosis and Treatment (EPSDT) services.

Subtitle B—Service Providers

Section 211: Inclusion of Providers under HAPI Plans: Children receiving care through school based health centers, other centers funded through Public Health Service Act, rural health clinics or an Indian Health Service facility will be provided services at no cost or HAPI plans will reimburse the providers for the services.

Section 212: Use of, and Grants for, School Based Health Centers: Creates and defines school based health centers and provides for grants to develop more school based health centers.

School based health centers must be located in elementary or secondary schools, operated in collaboration with the school in which the center is located; administered by a community-based organization including a hospital, public health department, community health center, or nonprofit health care agency. The school based health center must provide primary health care services including health assessments, diagnosis and treatment of minor acute or chronic conditions and Healthy Start benefits; and mental health services. Services must be available when the school is open and through on call coverage. Services are to be provided by appropriately credentialed individuals including nurse practitioner, physician assistant, a mental health professional, physician or an assistant. Centers must use electronic medical records by January 1, 2010. In addition, the centers may also provide preventive dental services consistent with State licensure law through dental hygienists or dental assistants.

School based health centers may provide services to students in more than one school if it is determined to be appropriate.

A parent must give permission for the child to receive care in a school based health center. Centers may seek reimbursement from a third party payer including HAPI plans. Funds received from third party payer reimbursement shall be allocated to the center in which the care was provided.

Development Grants: The Secretary shall provide grants to local school districts and communities for the establishment and operation of school based health centers. The Secretary shall give priority to applicants who will establish a school based health center in medically underserved areas or areas for which there are extended distances between the school involved and appropriate providers of care for children; services students with the highest incidence of unmet medical and psycho social needs; and can demonstrate that funding state, local or community partners have provided at least 50 percent of the funding for the center to ensure the ongoing operation of the center.

Federal Tort Claims Act: A health care provider shall have malpractice coverage through the Federal Tort Claims Act for services provided through a school based health center.

TITLE III: BETTER HEALTH FOR OLDER AND DISABLED AMERICANS

Subtitle A—Assurance of Supplemental Medicaid Coverage

Section 301: Coordination of Supplemental Coverage under the Medicaid Program for Elderly and Disabled Individuals: The Secretary shall provide guidance to States and insurers that takes into account the specific health care needs of elderly and disabled individuals who receive Medicaid benefits so that Medicaid may provide services not provided by HAPI plans.

Subtitle B—Empowering Individuals and States To Improve Long-Term Care Choices

Section 311: New, Automatic Medicaid Option for State Choices for Long-Term Care: If

a State decides to do a waiver similar to the Vermont waiver which allows individuals to have access to home and community based services, so long as the State meets criteria specified, the State may automatically implement the program.

Section 312: Simpler and More Affordable Long-Term Care Insurance Coverage: This section creates Medigap-like models for tax qualified long term care policies and adds additional consumer protections.

A Qualified Long Term Care Plan is a plan that meets the standards and requirements developed by either the National Association of Insurance Commissioners (NAIC) or by federal regulations.

Development of Standards and Requirements: Within 9 months after the date of enactment, the NAIC should adopt a model regulation to regulate limitations on the groups or packages of benefits that may be offered under a long term care insurance policy; uniform language and definitions; uniform format to be used in the policy with respect to benefits; and other standards required by the Secretary of HHS.

If NAIC does not adopt a model regulation within the 9-month period, the Secretary shall promulgate regulations within 9 months that do the same as the above section. In developing standards and requirements, the Secretary shall consult with a working group of representatives of long term care insurers, beneficiaries and consumer groups, and other individuals.

Limitations on Groups and Packages of Benefits: The model regulation or federal regulation shall provide for the identification of a core group of basic benefits common to all policies and the total number of different benefit packages and combination of benefits that maybe offered as a separate benefit package may not exceed 10.

The objectives that need to be balanced in developing the packages are: to simplify the market to facilitate comparisons among policies; avoiding adverse selection; provide consumer choice; provide market stability and promote competition.

The requirements would go into effect no later than one year after the date NAIC or the Secretary adopts the standards.

Required State Legislation: State legislatures would adopt the standards.

Additional Consumer Protections: This section amends the 1993 NAIC model regulation and model Act to require additional consumer protections for qualified long term care policies concerning, guaranteed renewal or noncancelability; prohibitions on limitations and exclusions, continuation or conversion of coverage, unintentional lapse, probationary periods, preexisting conditions, and other issues.

Any person selling a long term care insurance policy shall make available for sale a policy with only the core group of basic benefits.

TITLE IV: HEALTHIER MEDICARE

Subtitle A—Authority To Adjust Amount of Part B Premium To Reward Positive Health Behavior

Section 401: Authority to Adjust Amount of Medicare Part B Premium to Reward Positive Health Behavior: The Secretary may adjust Part B premiums for an individual based on whether or not the individual participates in healthy behaviors, including weight management, exercise, nutrition counseling, refraining from tobacco use, designating a health home, and other behaviors determined appropriate by the Secretary. In adjusting the Part B premium, the Secretary

must ensure budget neutrality and the aggregate must be equal to 25 percent of premium paid (as in current law).

Subtitle B—Promoting Primary Care for Medicare Beneficiaries

Section 411: Primary Care Services Management Payment: This section requires the Secretary to create a primary care management fee for providers who are designated the health home of a Medicare beneficiary and who provide continuous medical care, including prevention and treatment, and referrals to specialists. This section is cross referenced in the chronic care disease management section so that primary care physicians providing chronic disease management may receive the primary care services management fee for those services. The amount of the payment will be determined by the Secretary in consultation with MedPAC.

Requirement for Designation as a Health Home: The management fee shall be provided if the beneficiary has designated the provider as a health home. A health home is a provider that a Medicare beneficiary has designated to monitor the health and health care of the senior.

Subtitle C—Chronic Care Disease Management

Section 421: Chronic Care Disease Management: This section requires Medicare to have a chronic disease management program available to all Medicare beneficiaries no later than January 1, 2008. The program must cover the 5 most prevalent diseases. Physicians who are not primary care providers, but do provide chronic disease management may receive an additional payment for providing chronic disease management. The fee will be determined by the Secretary in consultation with MedPAC.

The Secretary shall establish procedures for identifying and enrolling Medicare beneficiaries who may benefit from participation in the program.

Section 422: Chronic Care Education Centers: This section creates Chronic Care Education Centers to serve as clearinghouses for information on health care providers who have expertise in the management of chronic disease.

Subtitle D—Part D Improvements Chapter 1

Section 431: Negotiating Fair Prices for Medicare Prescription Drugs (based on Snowe-Wyden MEND bill): This section provides the Secretary with authority to negotiate prices with manufacturers of prescription drugs. The Secretary must negotiate for fall back plans and if a plan requests assistance. However, the authority to negotiate is not limited to these two scenarios. Specifies no uniform formula or price setting is permitted. Savings are to go towards filling the coverage gap or deficit reduction.

Section 432: Process for Individuals Entering the Medicare Coverage Gap to Switch to a Plan that Provides Coverage in the Gap (based on Snowe-Wyden Lifeline Act to permit people to change plans if they hit the donut hole): Permits individuals to change plans if they hit the coverage gap. In addition, the section requires the Secretary to notify individuals they are getting close to the coverage gap and what their options are. This provision would sunset 5 years after enactment.

Subtitle E—Improving Quality in Hospitals for All Patients

Section 441: Improving Quality in Hospitals for All Patients: Within 2 years after enactment, hospitals must demonstrate to accrediting bodies improvements in quality control that include: rapid response teams; heart attack treatments; procedures that reduce medication errors; infection prevention; procedures that reduce the incidence of ven-

tilator-related illnesses; and other elements the Secretary wishes to add.

Within 2 years after enactment, the Secretary shall convene a panel of independent experts to ensure hospitals have state of the art quality control that is updated on an annual basis.

Subtitle F—End-of-Life Care Improvements

Section 451: Patient Empowerment and Following a Patient's Health Care Wishes: Within 2 years after enactment, health care facilities receiving Medicare funds must provide each patient with a document designed to promote patient autonomy by documenting the patient's treatment preferences and coordinating these preferences with physician orders. The document must transfer with the patient from one setting to another; provide a summary of treatment preferences in multiple scenarios by the patient or the patient's guardian and a physician or other practitioner's order for care; is easy to read in an emergency situation; reduces repetitive activities in complying with the Patient Self Determination Act; ensures that the use of the document is voluntary by the patient or the patient's guardian; is easily accessible in the patient's medical chart and does not supplant State health care proxy, living wills or other end-of-life care forms.

Section 452: Permitting Hospice Beneficiaries to Receive Curative Care: Changes the current Medicare requirement that to choose hospice an individual must give up curative care. Instead, an individual may continue curative care while receiving hospice.

Section 453: Providing Beneficiaries with Information Regarding End-of-Life Care Clearinghouse: When signing up for Medicare, the Secretary shall refer people to the clearinghouse described in this Act.

Section 454: Clearinghouse: The Secretary shall establish a national toll-free information clearinghouse that the public may access to find out State-specific information regarding advance directives and end-of-life care decisions. If such a clearinghouse exists and is administered by a not-for-profit organization the Secretary must support that clearinghouse instead of creating a new one.

SUBTITLE G—ADDITIONAL PROVISIONS

Section 461: Additional Cost Information: The Secretary of HHS shall require Medicare Advantage Organizations to aggregate claims information into episodes of care and to provide the information to the Secretary so costs for specific hospitals and physicians may be measured and compared. The Secretary shall make the information public on an annual basis.

Section 462: Reducing Medicare Paperwork and Regulatory Burdens: Not later than 18 months after the date of enactment, the Secretary shall provide to Congress a plan for reducing regulations and paperwork in the Medicare program. The plan shall focus initially on regulations that do not directly enhance the quality of patient care provided under Medicare.

TITLE V: STATE HEALTH HELP AGENCIES

Section 501: Establishment: Each state will establish a Health Help Agency to administer HAPI plans. States must establish an HHA in order to get transition payments to develop them.

Section 502: Responsibilities and Authorities: Health Help Agencies shall promote prevention and wellness through education; distribution of information about wellness programs; making available to the public the number of individuals in each plan that have chosen a health home; and promoting the use and understanding of health information technology.

Enrollment Oversight: Each HHA shall oversee enrollment in plans by: providing

standardized unbiased information on plans available; administering open enrollment periods; assisting changes required by birth, divorce, marriage, adoption or other circumstances that may affect the plan a person chooses; establishing a default enrollment process; establishing procedures for hospitals and other providers to report individuals not enrolled in a plan; ensuring enrollment of all individuals; developing standardized language for plan terms and conditions to be used; providing enrollees with a comparative document of HAPI plans; and assisting consumers in choosing a plan by publishing loss ratios, outcome data regarding wellness programs, and disease detection and chronic care management programs categorized by health insurer.

The HHA will determine and administer subsidies to eligible individuals and collect premium payments made by or on behalf of individuals and send the payments to the plans.

HHAs shall empower individuals to make health care decisions by providing State-specific information concerning the right to refuse treatment and laws relating to end-of-life care decisions; and by providing access to State forms.

Each HHA will establish plan coverage areas for the State.

States that share one or more metropolitan statistical areas may enter into agreements to share responsibilities for administration.

States will have to work with the Secretary of HHS to ensure transition from Medicaid and SCHIP is orderly and that individuals receiving other benefits from Medicaid continue to do so.

Section 503: Appropriations for Transition to State Health Help Agencies: States will receive federal funds to establish HHAs for two full fiscal years. States may assess insurers for administrative costs of running their HHAs.

TITLE VI—SHARED RESPONSIBILITIES

Subtitle A—Individual Responsibilities

Section 601: Individual Responsibility to Ensure HAPI Plan Coverage: Individuals must enroll themselves and their children in a plan during open enrollment periods; submit documentation to the HHA to determine premium and personal responsibility contribution subsidies; pay the required premium and personal responsibility contributions; and inform the HHA of any changes that affect family status or residence.

Subtitle B—Employer Responsibilities

Section 611: Health Care Responsibility Payments: Reorders and changes the IRS code.

Subchapter A: Employer Shared Responsibility Payments

Section 3411: Payment Requirement: Employer Shared Responsibility Payments: Every Employer must make an employer shared responsibility payment (ESR) for each calendar year in the amount equal to the number of full time equivalent employees employed by the employer during the previous year multiplied by a percentage of the average HAPI plan premium amount. The percentage used is determined by size and revenue per employee.

Once in effect, the percentages employers would pay are:

Large employers:
0–20th percentile 17%
21st–40th percentile 19%
41st–60th percentile 21%
61st–80th percentile 23%
81st–99th percentile 25%
Small employers:
0–20th percentile 2%
21st–40th percentile 4%

41st–60th percentile 6%
 61st–80th percentile 8%
 81st–99th percentile 10%

At the beginning of each calendar year, the Secretary in consultation with the Secretary of Labor shall publish a table based on a sampling of employers to be used in determining the national percentile for revenue per employee amounts.

Transition Rates: Employers who offered health insurance prior to enactment will contribute “make good” payments to their employees. The payments will be equal to the cash value of the health insurance provided and the amount will be added to the employee’s wages. These employers will not be required to make any other payments in the first two years.

If an employer did not provide health insurance to employees prior to this legislation, the employer shared responsibility payment for the first year will be equal to one-third of the amount otherwise required and the payment for the second year will be two thirds of the amount required.

Employer Shared Responsibility Credit: The Secretary may provide a credit to private employers who provided health insurance benefits greater than the 80th percentile of the national average in the 2 years prior to enactment, can demonstrate the benefits provided encouraged prevention and wellness activities and continue to provide wellness programs.

Section 3412: Instrumentalities of the United States: State and local governments must make employer shared responsibility payments.

Subchapter B: Individual Shared Responsibility Payments

Section 3421: Amount of Payment: Every individual shall pay an amount equal to the premium amount they owe.

Section 3422: Deduction of Individual Shared Responsibility Payment from Wages: Employers may deduct the amount of the payment for premiums from their employees’ wages.

Subchapter C: General Provisions

Section 3431: Definitions and Special Rules: Provides definitions.

The average HAPI plan premium used to compute employer responsibility payments will be a simple average of all four premium classes (individuals, married, head of household and family)

All individuals who perform work for an employer for more than three months in the previous calendar year and who meet the definition of common law employee, either full or part time, will be counted toward the employer’s total employees when determining the employer shared responsibility payments.

Section 3431: Definitions and Special Rules: Provides definitions

Section 3432: Labor Contracts: In general these provisions do not apply to collective bargaining agreements until the earlier of 7 years after the date of enactment or the date the collective bargaining agreement expires.

Section 612: Distribution of Individual Responsibility Payments to HHAs: The Treasury will provide to each HHA an amount equal to the amount of individual shared responsibility payments made through the tax code by each eligible individual.

Subtitle C—Insurer Responsibilities

Section 621: Insurer Responsibilities: To offer a HAPI plan through an HHA, insurers will be required to: implement and emphasize prevention, early detection and chronic disease management; ensure wellness programs are available; demonstrate how provider reimbursement methodology achieves quality and cost efficiency; ensure a physical

and a care plan are available to the individual; ensure enrollees have the opportunity to designate a health home and make public how many enrollees have designated a health home; create a medical record if the patient wants one; comply with loss ratios established; use common claims form and billing practices; make administrative payments the State requires for the operation of its HHA; provide discounts and incentives for the parent if the child participates in a wellness program; report outcome data on wellness programs, disease detection and chronic care management, and loss ratio information; send large hospital bills to patients with a contact name so the patient can contact a person to discuss questions or complaints; and provide HHA with information concerning the plans offered.

Insurers must use standardized common claim forms prescribed by the State HHA chronic care programs offered must help provide early identification and management. Each program will use a uniform set of clinical performance standards.

Insurers must report performance and outcomes of chronic care management programs and loss ratios. Loss ratios will be defined by the Secretary in consultation with NAIC, consumers, and insurers.

Defines administrative expenses as including all taxes, reinsurance premiums, medical and dental consultants used in the adjudication process, concurrent or managed care review when not billed by a health provider and other forms of utilization review, the cost of maintaining eligibility files, legal expenses incurred in the litigation of benefit payments and bank charges for letters of credit.

The cost of personnel, equipment and facilities directly used in the delivery of health care services, payments to HHAs and the cost of overseeing chronic disease management programs and wellness programs are not included in the definition of administrative costs.

Subtitle D—State Responsibilities

Section 631: State Responsibilities: States must: designate or create a Health Help Agency; ensure HAPI plans are sold through the HHA and comply with requirements (there must be at least two HAPI plans offered); develop mechanisms for enrollment and the collection of premiums; ensure enrollment and develop methods to check on enrollment status; implement mechanisms to enforce the individual responsibility to purchase coverage (but this may not include revocation of insurance); and implement a way to automatically enroll individuals who are not covered and seek care in emergency departments.

States will continue to apply State law on consumer protections and licensure.

States must continue a maintenance of effort so they are required to contribute 100 percent of what they spent on health services prior to enactment.

Section 632: Empowering States to Innovate through Waivers: A State may be granted a waiver if the legislature enacts legislation or the State approves through ballot initiative a plan to provide health care coverage that is at least as comprehensive as required under a HAPI plan. If the State submits a waiver to the Secretary, the Secretary must respond no later than 180 days and if the Secretary refuses to grant a waiver, the Secretary must notify the State and Congress about why the waiver was not granted.

Subtitle E—Federal Fallback Guarantee Responsibility

Section 641: Federal Guarantee of Access to Coverage: If a State does not establish an HHA and have a system up within two years,

the Secretary shall establish a fallback plan so individuals can still receive a HAPI plan.

Subtitle F—Federal Financing Responsibilities

Section 561: Appropriation for Subsidy Payments: Appropriations will be made each year to fund the insurance premium subsidies.

Section 652: Recapture of Medicare and 90 Percent of Medicaid Federal DSH Funds to Strengthen Medicare and Ensure Continued Support for Public Health Programs: All of Medicare DSH stops and remains in the Part A Trust Fund.

Medicaid DSH continues at 10 percent of current levels. The amount not spent is put into a new trust fund, the “Healthy Americans Public Health Trust Fund.”

Section 9511: Healthy Americans Public Health Trust Fund: The Treasury shall establish a trust fund in which the funds that would have been spent on Medicaid DSH will now go. This trust fund will be used only for premium and personal responsibility payment subsidies and to States for a bonus payment if they adopt certain medical malpractice reforms. Any additional amounts will go toward reducing the federal budget deficit.

Subtitle G—Tax Treatment of Health Care Coverage Under Healthy Americans Program; Termination of Coverage Under Other Governmental Programs and Transition Rules for Medicaid and SCHIP

Part 1: Tax Treatment of Health Care Coverage Under Healthy Americans Program

Section 661: Limited Employee Income and Payroll Tax Exclusion for Employer Shared Responsibility Payments, Historic Retiree Health Contributions, and Transitional Coverage Contributions: The following payments made by employers are not taxable as income to their employees: (1) shared responsibility payments by employers; (2) payments for coverage of retirees under existing retiree health plans; (3) payments for continuing employer-provided health plans under existing collective bargaining agreements; and (4) payments for employer-provided coverage for long-term care.

Section 662: Exclusion for Limited Employer-Provided Health Care Fringe Benefits: The value of employer-provided wellness programs and on-site first aid coverage for employees is not taxable as income to the employees.

Section 663: Limited Employer Deduction for Employer Shared Responsibility Payments, Retiree Health Contributions and other Health Care Expenses: Limits the current employer deduction for the costs of employee health care coverage to the following: (1) shared responsibility payments made by employers; (2) coverage of retirees under existing retiree health plans; (3) continuing employer-provided health plans under existing collective bargaining agreements; (4) employer-provided wellness programs; and (5) on-site first aid coverage for employees.

Section 664: Health Care Standard Deduction: Creates a new Health Care Standard Deduction. Taxpayers can claim this deduction and reduce the amount they pay in taxes whether they file an itemized tax return or take the standard deduction. The amount of the deduction a taxpayer can claim depends on the class of health care coverage the taxpayer has. The deduction is indexed to the consumer price index with the deduction amounts initially set as follows:

Individual coverage—\$6,025

Married couple or domestic partnership coverage—\$12,050

Unmarried individual with dependent children—\$8,610 plus \$2,000 for each dependent child

Married couple or domestic partnership (as determined by a State) with dependent children—\$15,210 plus \$2,000 for each dependent child

The deduction can be claimed by individuals and families with incomes greater than the poverty line. Both the health care and the healthy child deduction are phased in starting from 100–400 percent of poverty. The deduction begins phasing out starting at \$62,500 (\$125,000 in the case of a joint return) and is fully phased out at \$125,000 (\$250,000 in the case of a joint return). The deduction will be adjusted for inflation

Section 665: Modification of Other Tax Incentives to Complement Healthy Americans Program: Sunsets the following tax breaks for health care: tax credit for health insurance costs of individuals; coverage of health care benefits under “cafeteria plans”; and Archer Medical Savings Accounts. This section also allows Health Savings Accounts in conjunction with high deductible Healthy Americans Private Insurance plans and long-term care benefits to be provided tax-free to workers through cafeteria plans.

Section 666: Termination of Certain Employer Incentives When Replaced by Lower Health Care Costs: Beginning 2 years after enactment, terminates tax provisions relating to income attributable to domestic production activities, relating to tax-exempt status of voluntary employees’ beneficiary associations, and relating to inventory property sales source rule exception, and the deferral of active income of controlled foreign corporations.

Part II: Termination of Group Coverage under other Governmental Programs and Transition Rules for Medicaid and SCHIP

Sections 671–673: eliminates group coverage, FEHBP, Medicaid (except for its wrap around and long term care functions) and SCHIP.

TITLE VII: OTHER PROVISIONS

Subtitle A—Effective Health Services and Products

Section 701: One Time Disallowance of Deduction for Advertising and Promotional Expenses for Certain Prescription Pharmaceuticals: If a drug is new and on the market, there is no tax deduction for advertising unless it is being studied for comparison effectiveness. If the drug is already on the market it must inform consumers that a generic will be on the market if the drug is coming off patent.

Section 702: Enhanced New Drug and Device Approval: Drugs and devices get additional exclusivity or additional patent protection if they submit comparison effectiveness as part of their application to the Food and Drug Administration.

Section 703: Medical Schools and Finding What Works in Health Care: Medical schools and other researchers may post on a website run by Agency Healthcare Research and Quality (AHRQ) evidence-informed best practices. AHRQ will run a pilot program to find ways to get that information into the curricula of medical schools.

Section 704: Finding Affordable Health Care Providers Nearby: Creates a website so individuals can find affordable high quality providers by zip code. The website can begin with the providers who report under pay for performance efforts and then be broadened out to include all providers using uniform care standards developed in consultation with Quality Improvement Organizations (QIOs).

The affordability standard would be developed by the Secretary in consultation with insurers.

Subtitle B—Other Provisions to Improve Health Care Services and Quality

Section 711: Individual Medical Records: Individuals own their medical records.

Section 712: Bonus Payment for Medical Malpractice Reform: If a State adopts certain reforms the State may get additional funds. Those reforms are: (1) require an individual who files a malpractice action in state court have the facts of their case reviewed by a panel with not less than one qualified medical expert chosen in consultation with the State Medicare quality improvement organization or physician specialty whose expertise is appropriate for the case; not less than one legal expert and not less than one community representative to verify that a malpractice claim exists; (2) permit an individual to engage in voluntary non-binding mediation with respect to the malpractice claim prior to filing an action in court; (3) impose sanctions against plaintiffs and attorneys who file frivolous medical malpractice claims in courts; (4) prohibit attorneys who file three or more medical malpractice actions in state courts from filing others in state courts for a period of 10 years; and provides for the application of presumption of reasonableness if the defendant establishes that he or she followed accepted clinical practice guidelines established by the specialty or listed in the National Guideline clearinghouse.

The bonus payments must be used to carry out activities related to disease and illness prevention and for children’s health care services.

TITLE VIII: CONTAINING MEDICAL COSTS

Section 801: Cost-Containment Results of the Healthy Americans Act: Summarizes what in the bill contains costs.

THE HEALTHY AMERICANS ACT—AFFORDABLE HEALTH CARE FOR EVERY AMERICAN

Worker Profiles	Current Health System	Wyden Plan
Fabulous Clean, janitor, has \$25,000/year income; married with 2 children; family insured through employer.	Pays \$2,000 in premiums; Tax savings: \$500 (not taxed on employer’s \$5,000 contribution). Net cost:\$1,500	Pays \$1,200 in subsidized premiums; Salary increase: \$5,000; Additional taxes after the new health care tax deduction: \$150 Net savings:\$3,650
Sally Forth, secretary, has \$40,000/year income; married with 2 children; family insured through employer.	Pays \$2,500 in premiums; Tax savings: \$1,500 (not taxed on employer’s \$10,000 contribution). Net cost:\$1,000	Pays \$3,600 in subsidized premiums; Salary increase: \$10,000; Additional taxes after the new health care tax deduction: \$60 Net savings:\$6,340
Bess Driver, school bus driver, has \$55,000/year income; married; couple insured through employer.	Pays \$1,000 in premiums; Tax savings: \$1,575 (not taxed on employer’s \$10,500 contribution). Net savings:\$575	Pays \$8,200 in premiums; Salary increase: \$10,500; Tax savings after the new health care tax deduction: \$230 Net savings:\$2,530
Ann Bankroll, investment banker, has \$200,000/year income; married; 2 children; family insured through employer.	Pays \$2,500 in premiums; Tax savings: \$3,300 (not taxed on employer’s \$10,000 contribution). Net savings:\$800	Pays \$10,600 in premiums; Salary increase: \$10,000; Additional taxes after the new health care tax deduction: \$1,271 Net cost:\$1,871
Shirley Needing, waitress, has \$15,000/year income; single; no health coverage.	None	Pays \$600 in subsidized premiums; Tax savings after new health care tax deduction: \$100 Net cost:\$500 (\$42/month)
Harold Heart, salesman, has \$25,000/year income; married with 2 children; no health coverage.	None available because of preexisting condition.	Pays \$600 in subsidized premiums; Tax savings*: \$150 Net cost:\$450 (\$38/month)

THE HEALTHY AMERICANS ACT: WORKING FOR EMPLOYERS

SMALL SERVICE EMPLOYER

Daisy Hills Day Care has 32 employees, 8 are full-time and the other 24 work an average of 20 hours per week. Only the 8 full-time employees are currently eligible for the Daisy Hills health plan, and 6 take advantage of it. The firm pays half of the premium for employees, nothing for family coverage. Daisy Hills’s total current health care costs

are \$10,400 per year, which pays for coverage of only 6 employees. Under the Healthy Americans Act, Daisy Hills would pay a total of \$6,208 per year in Employer Shared Responsibility payments. This amount represents 4 percent of the national average essential benefit premium multiplied by 20 full-time equivalent employees.

SMALL RESTAURANT

Doug’s Diner has 3 full-time and 9 part-time employees who work an average of 30 hours per week. Doug cannot currently afford to offer health care to his employees. He often loses his best staff to chain restaurants that offer health insurance and is unable to afford insurance for himself and his family on the individual market. This small family business falls into the lowest rate tier under revenue by employee, paying a 2 percent rate. Under the Healthy Americans Act Doug will pay \$1,513 per year and he, his family, and all of his employees will have access to affordable health insurance.

MID-SIZE FINANCIAL INSTITUTION

Happy Valley Bank has 1,600 full-time employees and 400 part-time employees who work an average of 25 hours per week. All employees who work over 20 hours per week are offered and take advantage of health care. The firm pays 80 percent of the premiums for individuals and families. Under the current system, Happy Valley’s total health care expenditures are \$10,200,000 per year. Under the Healthy Americans Act, they will pay a total of \$3,589,463 per year. This amount represents 25 percent of the national average essential benefit premium per employee.

MID-SIZED MANUFACTURING FIRM

Allied Industrial has 1,000 full time employees. The firm pays 100 percent of individual premiums and 80 percent of family premiums for all employees. Currently Allied pays \$6,100,000 per year in health care premiums and has been seeing 10 percent increases year over year for several years despite the use of a number of cost-control measures. Allied falls into the middle range of companies in revenue per employee, paying the 21 percent rate. Under the Healthy Americans Act, Allied will pay \$1,629,890.

LARGE SPECIALTY RETAILER

Acme Game Emporiums is a national specialty retailer with 2,000 full time and 7,000 part time employees who work an average of 22 hours per week. All full time and 4,500 of the part time employees are eligible for and take advantage of Acme’s health plan. The firm pays 95 percent of employees’ premiums and 60 percent of family premiums. Their current total health care costs are \$52,000,000 per year. As a retailer with relatively low revenue per employee, Acme pays the 19 percent rate. Under the Healthy Americans Act, Acme will pay \$8,626,351.

By Mr. DORGAN (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. AKAKA, Mr. LEAHY, Mr. LEVIN, Mr. KENNEDY, Ms. CANTWELL, Mr. ROCKEFELLER, Mr. KERRY, Mr. INOUE, Mr. CARDIN, Mrs. BOXER, Mr. LIEBERMAN, Mr. MENENDEZ, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 335. A bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MURRAY and 15 of our Senate colleagues in reintroducing legislation to stop the Internal Revenue Service from outsourcing part of

its tax collection responsibilities to private collection companies.

Last fall, the Internal Revenue Service, IRS, ignored objections raised by many Federal policymakers and tax experts, including the IRS's own National Taxpayer Advocate, and moved ahead with its controversial plan to hire private companies to collect Federal tax debts. When the IRS attempted a similar plan in 1996, it failed miserably. The 1996 initiative lost money. Taxpayers were harassed by private debt collectors. In many instances, private debt collectors violated Federal debt collection laws and confidential taxpayer information was not properly secured.

Today, the IRS is planning to share more than 2.5 million taxpayer accounts with up to 12 private collection companies when its new private debt collection plan is fully implemented—even though there is compelling evidence that this new initiative will suffer from many of the same maladies experienced by the IRS and taxpayers in the ill-fated 1996 plan.

IRS Commissioner Everson readily admits that if the IRS hired and used trained IRS employees for this purpose, not private collectors, far more revenues would be deposited in the U.S. Treasury fund. Yet the IRS is ready to hand out very large commissions ranging from 21 to 24 percent to private firms for every dollar they collect, when internal IRS reports suggest that it would cost the Federal Government just 3 pennies on a dollar to have trained IRS employees collect tax debts that are owed.

Stated another way, the IRS anticipates spending well over \$300 million in commission payments to private firms to collect an estimated \$1.4 billion in tax debt over 10 years, when internal IRS reports suggest that spending \$296 million to hire new IRS collectors could raise some \$9.5 billion annually. At a time of exploding deficits and Federal debt, the IRS's use of private debt collectors is an inexcusable waste of taxpayer money.

In fact, the Government Accountability Office, GAO, released a report last September revealing that the cost of implementing the IRS's initial phases of its tax debt collection initiative alone, excluding any commission payments, may actually exceed all of the tax revenues collected by these private collectors by millions of dollars. The IRS plan is riddled with hidden costs. For example, the three companies hired by the IRS in the initial phase of its private collection plan have some 75 employees working on what the IRS has described as relatively easy collection cases. However, at least 65 IRS employees have been tasked to monitor the work of these collectors. So from a revenue collection and efficiency standpoint, it doesn't take a calculator to figure out that IRS private collection plan is not worth the paper it's printed on.

Using private debt collectors is also very troubling because it puts con-

fidential taxpayer information at risk of public disclosure and misuse. Just over two years ago, a Treasury Inspector General for Tax Administration, TIGTA, investigation found that a contractor's employees committed security violations, placing IRS equipment and taxpayer data at risk. In some cases, TIGTA officials found that contractors "blatantly circumvented IRS policies and procedures even when security personnel had identified inappropriate practices."

As I've mentioned, the IRS has agreed to pay three private collection firms at the outset of its initiative nearly a quarter for every dollar their employees collect on what the IRS has described as relatively easy cases. The IRS's use of very large commissions to pay private firms for their work on such cases is not only fiscally unsound and a shameful example of government waste, it also increases the potential for overzealous collection practices and the misuse of sensitive taxpayer return information. Private debt collection agencies are driven by profit motives, not public service.

Let me emphasize, once again, one very important point. Everybody needs to pay the taxes they owe. If they do not, however, professional IRS employees, not private collectors in search of profits, should be the ones to ensure that outstanding tax debts are paid. If the IRS now says it needs more resources for tax enforcement and collection activities, then Congress should consider providing them.

I fully agree with the recommendations by the independent Taxpayer Advocacy Panel last summer—and recently echoed by National Taxpayer Advocate Nina Olson in the Taxpayer Advocate's 2006 Annual Report to Congress—that the IRS should terminate its outsourcing of taxpayer debt collection and restrict collection activities to properly trained and proficient IRS employees. Indeed, the IRS should immediately reverse course and indefinitely suspend the implementation of its private debt collection activities.

The House of Representatives voted last year to eliminate funding for this IRS initiative in its version of the Treasury Department spending bill, which was never approved by the full Congress. I will be working with Senator MURRAY and many of our colleagues early in this new Congress to get similar language passed by the full Senate at the first available opportunity.

The IRS should act on its own to stop its use of private debt collectors and save any further expenditures of taxpayer money for this purpose. If it will not, however, I will do everything in my power to put the brakes on this initiative in the U.S. Senate. That's why I urge my colleagues to cosponsor this legislation and help us, as the Taxpayer Advocate has suggested, terminate the IRS's privatization collection initiative "once and for all."

By Mr. DURBIN (for himself, Mr. VOINOVICH, Mr. LEVIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. STABENOW, and Mr. LUGAR):

S. 336. A bill to require the Secretary of the Army to operate and maintain as a system the Chicago Sanitary and Ship Canal dispersal barriers, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Barrier Project Consolidation and Construction Act of 2007".

SEC. 2. CONSOLIDATION OF BARRIER PROJECTS.

(a) IN GENERAL.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (referred to in this Act as "Barrier I") (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and the project relating to the Chicago Sanitary and Ship Canal Dispersal Barrier, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1352) (referred to in this Act as "Barrier II"), shall be considered to constitute a single project.

(b) ACTIVITIES RELATING TO BARRIER I AND BARRIER II.—

(1) DUTIES OF SECRETARY OF THE ARMY.—The Secretary of the Army (referred to in this Act as the "Secretary") shall, at full Federal expense—

(A) upgrade and make permanent Barrier I;

(B) construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) APPLICATION OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost-sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) FEASIBILITY STUDY.—The Secretary, in consultation with appropriate Federal, State, local, and nongovernmental entities, shall conduct a feasibility study, at full Federal expense, of the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other aquatic pathways.

(d) CONFORMING AMENDMENT.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335; 118 Stat. 1352) is amended to read as follows:

"SEC. 345. There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to

section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a).”.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. WYDEN, Mr. VITTER, Mr. DORGAN, and Mrs. LINCOLN):

S. 338. A bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing legislation that would take steps to protect access to long-term care hospitals while ensuring that these institutions are admitting the appropriate type of patients. I am pleased to be introducing the bill along with my colleague, Senator HATCH, and I urge my colleagues to consider cosponsoring this cost-saving proposal.

Long Term Acute Care hospitals, or LTAC hospitals, serve a vital role in the Medicare program by providing care to beneficiaries with clinically complex conditions that need hospital care for extended periods of time. These are patients who are too sick to go home or even to a skilled nursing facility, but are stable enough to be released from an intensive care unit. I am happy to have two of these hospitals in North Dakota, one in Fargo and one in Mandan. Together, these two hospitals employ several hundred people and provide care to thousands of North Dakotans. They are a vital part of the North Dakota continuum of care.

While these hospitals provide important health services to very frail individuals, the Centers for Medicare and Medicaid Services (CMS) has become concerned with the growth in these facilities. In 2006, there were 400 LTAC hospitals, compared to 100 in 1996. In addition, the agency has also expressed concern that some LTAC hospitals are admitting patients that may be better served by nursing homes or another level of care. As a result, CMS has begun to arbitrarily cut LTAC hospital payments across-the-board.

As Chairman of the Budget Committee, I have a unique appreciation for the enormous fiscal challenges that face our country and respect CMS's efforts to reduce growth in Medicare. However, any cuts in spending should be targeted at waste and abuse. We should address the growth in LTAC hospitals, but we also want to ensure that there is a place for patients who truly need long-term hospital stays.

The legislation I'm introducing today is a first step in clarifying Congressional intent and giving CMS clearer definitions of what is and is not a LTAC hospital and what type of patient should be admitted to these facilities. At the heart of this bill is a provision that limits the types of patients who can be admitted to LTAC hospitals to those who truly need the specialized care these facilities pro-

vide. LTAC hospitals like those in my state that admit only very sick patients will not be significantly affected. But, by eliminating abuses by those facilities that have been receiving generous payments for patients who do not require this sort of specialized care, this provision of the bill would significantly reduce Medicare spending on LTAC hospitals.

It was not easy for the LTAC hospitals in North Dakota and across the country to support legislation that restricts their payments, but I compliment them for working with me to put forward a constructive public policy proposal. In particular, I want to recognize Custer Huseby, Chief Executive Officer of SCCI Hospital in Fargo. He understands that the status quo is no longer defensible and has fought to put forward a workable solution that maintains access to these vital facilities, where they are appropriate. I also want to thank Chip Thomas and Karen Haskins of the North Dakota Healthcare Association, who have partnered with Mr. Huseby to support this legislation.

Long-term care hospitals serve a vital role in our health care system, and we must protect access to these facilities for those who truly need it. But, we can also take responsible steps to ensure that our federal tax dollars are well spent and directed to the most appropriate level of care. I believe my legislation achieves this balance and urge my colleagues to support this measure.

Mr. HATCH. Mr. President, I am happy to join my colleagues, Senators CONRAD, WYDEN, VITTER, DORGAN and LINCOLN in introducing legislation to create standards for long-term, acute-care (LTAC) hospitals. My home State of Utah has LTAC hospitals located in Salt Lake City, West Valley City and Bountiful.

Let me explain what LTAC hospitals are to my colleagues, and discuss the need for this legislation. A general hospital stay in the United States is about 6 days. In contrast, the average patient stay in an LTAC hospital is 25 days. LTAC hospitals represent one of four post-acute care facilities. Of the four types of post-acute care, LTAC hospitals are the most expensive. And, the number of LTAC hospitals has grown rapidly from 100 to 400 over a 10-year period. These dynamics have led the Centers for Medicare & Medicaid Services (CMS) to push for having certain LTAC patients treated in less costly facilities such as nursing homes or rehabilitation clinics.

Our legislation is premised on the belief that only truly sick patients should go to LTAC hospitals. Less medically-complex patients should be seen at less intensive facilities. S. 338 limits the type of patients who may be treated in LTAC hospitals and, by doing so, it will generate at least \$1 billion in savings over the next 5 years.

LTAC hospitals have a role to play in the American continuum of health

care. We all agree that there should be a place for patients who truly need long-term hospital stays. In that sense, LTAC hospitals serve an important role. Today, Medicare spending on LTAC hospitals is little more than one percent of total Medicare spending.

Let me conclude by saying that this bill is just one component of a larger debate that we need to have about Medicare post-acute care. LTAC hospitals are one component. Nursing homes and rehabilitation clinics are other components. All long-term care providers need to do a better job in convincing the Congress and Federal regulators why our health care system needs four different types of post-acute facilities.

I urge my colleagues to cosponsor the Conrad-Hatch legislation—it is a good bill and it addresses an important aspect of the long-term health care debate. As baby boomers continue to retire, long-term care will become more and more important to all Americans.

Mr. LEAHY. Mr. President, today I join, again, with a bipartisan group of Senators to introduce a bill to reform our immigration laws concerning foreign agricultural workers. America's farmers are calling for a greater number of legal foreign workers, and an improved system for obtaining those workers. We need to likewise ensure meaningful benefits and protections to the workers who will fill these jobs.

I am especially pleased that measures are included to help dairy farmers, who in my home State of Vermont are an integral part of our economy, our history, and our culture. Indeed, it is difficult to think of the Green Mountain State without conjuring up the image of verdant rolling hills dotted with Holstein cows. The provisions in this bill make the H-2A program more workable for dairy farmers by lengthening the time period a foreign worker may remain in the country, providing a process by which an employer can extend the stay of a worker, and by ensuring that workers may ultimately apply for an adjustment to permanent legal resident status.

The bill we introduce today goes a long way toward reforming our H-2A visa program. Along with measures to help streamline procedures for labor certification by employers, the bill will make it easier for employers to meet their responsibilities to ensure that available agricultural jobs are offered first to domestic workers. The bill also makes the process easier for an employer to apply for an extension to a worker's stay, and makes it easier for a foreign worker to switch jobs during their stay.

The bill includes greater protections for workers, including the requirement that employers meet the same motor vehicle safety standards for H-2A workers that are required for domestic workers. A limited Federal right of action is provided for H-2A workers to enforce the economic benefits provided under the H-2A program, or those provided in writing by their employers.

More flexibility is provided for workers and employers by permitting employers to elect to provide a housing allowance, instead of housing. These are but a few of the positive reforms contained in the bill.

The bill also contains a procedure by which undocumented workers who have been working in agriculture can apply for a "blue card," a system where through consistent employment, a fine, proof of the payment of taxes, and proof of no serious criminal history, an undocumented worker can continue his or her contribution legally, and eventually adjust his or her status. The "blue card" program encourages family unification by making special provisions for spouses and children of the card holder. The program also has a numerical cap and the built-in safeguard of a sunset provision.

These reforms are a commonsense response that should help meet the needs of our farmers without burdening them with an unduly, time-consuming procedure for securing legal workers. The bill represents an effort to meet both the needs of agricultural employers while respecting the rights and interests of agricultural workers, and is an example of a bipartisan group of legislators listening and responding to the interests of all parties affected.

I join with other Senators in recognizing the needs of our modern economy, and the needs of the American farmer as well as the rights of the individuals who make up the backbone of many farming operations. Working together we can ensure that no American farmer is put in the position of having to choose between obeying the law and making a living, and that no willing worker is denied a chance to work.

By Mrs. FEINSTEIN (for herself, Mr. CRAIG, Mr. KENNEDY, Mr. MARTINEZ, Mrs. BOXER, Mr. VOINOVICH, Mr. LEAHY, Mr. SPECTER, Mrs. CLINTON, Mr. MCCAIN, Mr. OBAMA, Mr. HAGEL, Mr. SCHUMER, Mr. DOMENICI, Mr. KOHL, Mr. SALAZAR, and Mrs. MURRAY):

S. 340. A bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, Senators CRAIG, KENNEDY, MARTINEZ, BOXER, VOINOVICH, and several others are once again introducing legislation that will address the chronic labor shortage in our Nation's agricultural industry. This bill is a priority for me and for the tens of thousands of farmers who are currently suffering—and I hope we will move it forward early in this Congress.

The Agricultural Job Opportunities, Benefits, and Security Act, or AgJOBS, is the product of more than ten years of work. It is a bipartisan bill supported by growers, farmers, and farm workers alike. It passed the Senate last year as part of the comprehensive im-

migration reform bill last spring in the 109th Congress. It is time to move this bill forward.

The agricultural industry is in crisis. Farmers across the Nation report a twenty percent decline in labor.

The result is that there are simply not enough farm workers to harvest the crops.

The Nation's agricultural industry has suffered. If we do not enact a workable solution to the agricultural labor crisis, we risk a national production loss of \$5 billion to \$9 billion each year, according to the American Farm Bureau.

California, in particular, will suffer. California is the single largest agricultural State in the Nation. California agriculture accounts for \$34 billion in annual revenue. There are 76,500 farms that produce half of the Nation's fruits, vegetables, and nuts from only 3 percent of the Nation's farmland. California farms produce approximately 350 different crops: pears, walnuts, raisins, lettuce, onions, cotton, just to name a few.

Many of the farmers who grow these crops have been in the business for generations. They farm the land that their parents and their grandparents farmed before them.

The sad consequence of the labor shortage is that many of these farmers are giving up their farms. Some are leaving the business entirely. Others are bulldozing their fruit trees—literally pulling out trees that have been in the family for generations—because they do not have the labor they need to harvest their fruit.

Once the trees are gone, they are replaced by crops that do not require manual labor. And our pears, our apples, our oranges will come from foreign sources. The trend is quite clear. If there is not a means to grow and harvest our produce here, we will import produce from China, from Mexico, from other countries who have the labor they need.

We will put American farmers out of business. And there will be a ripple effect felt throughout the economy: in farm equipment, inputs, packaging, processing, transportation, marketing, lending and insurance. Jobs will be lost and our economy will suffer.

The reality is that Americans have come to rely on undocumented workers to harvest their crops for them.

In California alone, we rely on approximately one million undocumented workers to harvest the crops. The United Farm Workers estimate that undocumented workers make up as much as 90 percent of the farm labor payroll. Americans simply will not do the work. It is hard, stooped labor, requiring long and unpredictable hours. Farm workers must leave home and travel from farm to farm to plant, prune, and harvest crops according to the season. We must come to terms with the fact that we rely on an undocumented migrant work force. We must bring those workers out of the

shadows and create a legal and enforceable means to provide labor for agriculture. That realization is what led to the long and careful negotiations creating AgJOBS.

The AgJOBS bill is a two part bill. Part one identifies and deals with those undocumented agricultural workers who have been working in the United States for the past 2 years or more. Part two creates a more usable H-2A Program, to implement a realistic and effective guest worker program.

The first step requires undocumented agricultural workers to apply for a "blue card" if they can demonstrate that they have worked in American agriculture for at least 150 workdays over the past 2 years. The blue card entitles the worker to a temporary legal resident status. The blue card itself is encrypted and machine readable; it is tamper and counterfeit resistant, and contains biometric identifiers unique to the farm worker.

The second step requires that a blue card holder work in American agriculture for an additional 5 years for at least 100 workdays a year, or 3 years at 150 workdays a year. Blue card workers would have to pay a \$500 fine. The workers can travel abroad and reenter the United States and they may work in other, non-agricultural jobs, as long as they meet the agricultural work requirements.

The blue card worker's spouse and minor children, who already live in the United States, may also apply for a temporary legal status and identification card, which would permit them to work and travel. The total number of blue cards is capped at 1.5 million over a five year period and the program sunsets after 5 years. At the end of the required work period, the blue card worker may apply for a green card to become a legal permanent resident.

There are also a number of safeguards. If a blue card worker does not apply for a green card, or does not fulfill the work requirements, that individual can be deported.

Likewise, a blue card holder who commits a felony, three misdemeanors, or any crime that involves bodily injury, the threat of serious bodily injury, or harm to property in excess of \$500, cannot get a green card and can be deported.

This program, for the first time, allows us to identify those hundreds of thousands of farm workers who now work in the shadows. It requires the farm workers to come forward and to be identified in exchange for the right to work and live legally in the United States. And it gives farmers the legal certainty they need to hire the workers they need. The program also modifies the H-2A guest worker program so that it realistically responds to our agricultural needs.

Currently, the H-2A program is bureaucratic, unresponsive, expensive, and prone to litigation. Farmers cannot get the labor when they need it.

AgJOBS offers a much-needed reform of the outdated system. The labor certification process, which often takes 60 days or more, is replaced by an "attestation" process. The employer can file a fax-back application form agreeing to abide by the requirements of the H-2A program. Approval should occur in 48 to 72 hours. The interstate clearance order to determine whether there are U.S. workers who can qualify for the jobs is replaced by a requirement that the employer file a job notification with the local office of the State Employment Security Agency. Advertising and positive recruitment must take place in the local labor market area.

Agricultural associations can continue to file applications on behalf of members. The statutory prohibition against "adversely affecting" U.S. workers is eliminated. The Adverse Effect Wage Rate is instead frozen for 3 years, and thereafter indexed by a methodology that will lead to its gradual replacement with a prevailing wage standard. Employers may elect to provide a housing allowance in lieu of housing if the governor determines that there is adequate rental housing available in the area of employment.

Inbound and return transportation and subsistence is required on the same basis as under the current program, except that trips of less than 100 miles are excluded, and workers whom an employer is not required to provide housing are excluded.

The motor vehicle safety standards for U.S. workers are extended to H-2A workers. Petitions for admission of H-2A workers must be processed and the consulate or port of entry notified within 7 days of receipt. Requirements are the same as current law.

Petitions extending aliens' stay or changing employers are valid upon filing. Employers may apply for the admission of new H-2A workers to replace those who abandoned their work or are terminated for cause and the Department of Homeland Security is required to remove H-2A aliens who abandoned their work. H-2A visas will be secure and counterfeit resistant.

A new limited Federal right of action is available to foreign workers to enforce the economic benefits required under the H-2A program, and any benefits expressly offered by the employer in writing. A statute of limitations of 3 years is imposed.

Finally, lawsuits in State court under State contract law alleging violations of the H-2A program requirements and obligations are expressly preempted. Such State court lawsuits have been the venue of choice for litigation against H-2A employers in recent years.

AgJOBS is the one part of the immigration bill about which there is uniform agreement. Everyone knows that agriculture in America is supported by undocumented workers. As immigration enforcement tightens up, and increasing numbers of people are pre-

vented from crossing the borders or are being deported, the result is our crops go unharvested. We are faced today with a very practical dilemma and one that is easy to solve. The legislation has been vetted over and over again. Senator CRAIG, I, and a multitude of other Senators have sat down with the growers, with the farm bureaus, with the chambers, with everybody who knows agriculture, and they have all signed off on the AgJOBS bill. This is our opportunity to solve a real problem.

I ask my colleagues to join this bipartisan coalition and support this legislation. I also ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.

Sec. 2. Definitions.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

Sec. 101. Requirements for blue card status.

Sec. 102. Treatment of aliens granted blue card status.

Sec. 103. Adjustment to permanent residence.

Sec. 104. Applications.

Sec. 105. Waiver of numerical limitations and certain grounds for inadmissibility.

Sec. 106. Administrative and judicial review.

Sec. 107. Use of information.

Sec. 108. Regulations, effective date, authorization of appropriations.

Subtitle B—Correction of Social Security Records

Sec. 111. Correction of Social Security records.

TITLE II—REFORM OF H-2A WORKER PROGRAM

Sec. 201. Amendment to the Immigration and Nationality Act.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Determination and use of user fees.

Sec. 302. Regulations.

Sec. 303. Reports to Congress.

Sec. 304. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) BLUE CARD STATUS.—The term "blue card status" means the status of an alien who has been lawfully admitted into the

United States for temporary residence under section 101(a).

(3) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(4) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(5) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(6) TEMPORARY.—A worker is employed on a "temporary" basis when the employment is intended not to exceed 10 months.

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

TITLE I—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

Subtitle A—Blue Card Status

SEC. 101. REQUIREMENTS FOR BLUE CARD STATUS.

(a) REQUIREMENT TO GRANT BLUE CARD STATUS.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant blue card status to an alien who qualifies under this section if the Secretary determines that the alien—

(1) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

(2) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

(3) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under section 105(b); and

(4) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

(b) AUTHORIZED TRAVEL.—An alien who is granted blue card status is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

(c) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted blue card status an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(d) TERMINATION OF BLUE CARD STATUS.—

(1) IN GENERAL.—The Secretary may terminate blue card status granted to an alien under this section only if the Secretary determines that the alien is deportable.

(2) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under section 103, the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(A) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under section 105(b);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500; or

(iv) fails to perform the agricultural employment required under section 103(a)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in section 103(a)(3).

(e) **RECORD OF EMPLOYMENT.**—

(1) **IN GENERAL.**—Each employer of an alien granted blue card status under this section shall annually—

(A) provide a written record of employment to the alien; and

(B) provide a copy of such record to the Secretary.

(2) **SUNSET.**—The obligation under paragraph (1) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(f) **REQUIRED FEATURES OF IDENTITY CARD.**—The Secretary shall provide each alien granted blue card status, and the spouse and any child of each such alien residing in the United States, with a card that contains—

(1) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(2) biometric identifiers, including fingerprints and a digital photograph; and

(3) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(g) **FINE.**—An alien granted blue card status shall pay a fine of \$100 to the Secretary.

(h) **MAXIMUM NUMBER.**—The Secretary may not issue more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

SEC. 102. TREATMENT OF ALIENS GRANTED BLUE CARD STATUS.

(a) **IN GENERAL.**—Except as otherwise provided under this section, an alien granted blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(b) **DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.**—An alien granted blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under section 103.

(c) **TERMS OF EMPLOYMENT.**—

(1) **PROHIBITION.**—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(2) **TREATMENT OF COMPLAINTS.**—

(A) **ESTABLISHMENT OF PROCESS.**—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this paragraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(B) **INITIATION OF ARBITRATION.**—If the Secretary finds that an alien has filed a complaint in accordance with subparagraph (A) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators

maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(C) **ARBITRATION PROCEEDINGS.**—The arbitrator shall conduct the proceeding under this paragraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(D) **EFFECT OF ARBITRATION FINDINGS.**—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of section 103(a).

(E) **TREATMENT OF ATTORNEY'S FEES.**—Each party to an arbitration under this paragraph shall bear the cost of their own attorney's fees for the arbitration.

(F) **NONEXCLUSIVE REMEDY.**—The complaint process provided for in this paragraph is in addition to any other rights an employee may have in accordance with applicable law.

(G) **EFFECT ON OTHER ACTIONS OR PROCEEDINGS.**—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to subparagraph (D).

(3) **CIVIL PENALTIES.**—

(A) **IN GENERAL.**—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under section 101(e) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed \$1,000 per violation.

(B) **LIMITATION.**—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of em-

ployment authorization granted under this section.

SEC. 103. ADJUSTMENT TO PERMANENT RESIDENCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(1) **QUALIFYING EMPLOYMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the alien has performed at least—

(i) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of this Act; or

(ii) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on the date of the enactment of this Act.

(B) **4-YEAR PERIOD OF EMPLOYMENT.**—An alien shall be considered to meet the requirements of subparagraph (A) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of the enactment of this Act.

(2) **PROOF.**—An alien may demonstrate compliance with the requirement under paragraph (1) by submitting—

(A) the record of employment described in section 101(e); or

(B) such documentation as may be submitted under section 104(c).

(3) **EXTRAORDINARY CIRCUMSTANCES.**—In determining whether an alien has met the requirement of paragraph (1)(A), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that subparagraph if the alien was unable to work in agricultural employment due to—

(A) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(B) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(C) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(4) **APPLICATION PERIOD.**—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(5) **FINE.**—The alien pays a fine of \$400 to the Secretary.

(b) **GROUND FOR DENIAL OF ADJUSTMENT OF STATUS.**—The Secretary may deny an alien granted blue card status an adjustment of status under this section and provide for termination of such blue card status if—

(1) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(2) the alien—

(A) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

(c) **GROUND FOR REMOVAL.**—Any alien granted blue card status who does not apply

for adjustment of status under this section before the expiration of the application period described in subsection (a)(4) or who fails to meet the other requirements of subsection (a) by the end of the application period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(d) PAYMENT OF TAXES.—

(1) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this section, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(A) no such tax liability exists;

(B) all such outstanding tax liabilities have been paid; or

(C) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) APPLICABLE FEDERAL TAX LIABILITY.—In paragraph (1) the term “applicable Federal tax liability” means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under subsection (a)(1) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(3) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(e) SPOUSES AND MINOR CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under subsection (a), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(2) TREATMENT OF SPOUSES AND MINOR CHILDREN.—

(A) GRANTING OF STATUS AND REMOVAL.—The Secretary may grant derivative status to the alien spouse and any minor child residing in the United States of an alien granted blue card status and shall not remove such derivative spouse or child during the period that the alien granted blue card status maintains such status, except as provided in paragraph (3). A grant of derivative status to such a spouse or child under this subparagraph shall not decrease the number of aliens who may receive blue card status under subsection (h) of section 101.

(B) TRAVEL.—The derivative spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(C) EMPLOYMENT.—The derivative spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under paragraph (1) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(A) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under section 105(b);

(B) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(C) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

SEC. 104. APPLICATIONS.

(a) SUBMISSION.—The Secretary shall provide that—

(1) applications for blue card status under section 101 may be submitted—

(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary; and

(2) applications for adjustment of status under section 103 shall be filed directly with the Secretary.

(b) QUALIFIED DESIGNATED ENTITY DEFINED.—In this section, the term “qualified designated entity” means—

(1) a qualified farm labor organization or an association of employers designated by the Secretary; or

(2) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act (8 U.S.C. 1159, 1160, and 1255), the Act entitled “An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes”, approved November 2, 1966 (Public Law 89-732; 8 U.S.C. 1255 note), Public Law 95-145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) or any amendment made by that Act.

(c) PROOF OF ELIGIBILITY.—

(1) IN GENERAL.—An alien may establish that the alien meets the requirement of section 101(a)(1) or 103(a)(1) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(2) DOCUMENTATION OF WORK HISTORY.—

(A) BURDEN OF PROOF.—An alien applying for status under section 101(a) or 103(a) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days required under section 101(a)(1) or 103(a)(1), as applicable.

(B) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under subparagraph (A) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(C) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under subparagraph (A) to establish that the alien has performed the days or hours of work required by section 101(a)(1) or 103(a)(1) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(d) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

(1) REQUIREMENTS.—Each qualified designated entity shall agree—

(A) to forward to the Secretary an application submitted to that entity pursuant to subsection (a)(1)(B) if the applicant has consented to such forwarding;

(B) not to forward to the Secretary any such application if the applicant has not consented to such forwarding; and

(C) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

(2) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this subtitle to be made by the Secretary.

(e) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to subsection (f).

(f) CONFIDENTIALITY OF INFORMATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary or any other official or employee of the Department or a bureau or agency of the Department is prohibited from—

(A) using information furnished by the applicant pursuant to an application filed under this title, the information provided by an applicant to a qualified designated entity, or any information provided by an employer or former employer for any purpose other than to make a determination on the application or for imposing the penalties described in subsection (g);

(B) making any publication in which the information furnished by any particular individual can be identified; or

(C) permitting a person other than a sworn officer or employee of the Department or a bureau or agency of the Department or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(2) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this title or any other information derived from such furnished information to—

(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(B) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(3) CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes, of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(B) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this subsection, information concerning whether the alien applying for blue card status under section 101 or an adjustment of status under section 103 has been convicted of a crime at any time may be used or released for immigration enforcement or law enforcement purposes.

(4) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be subject to a fine in an amount not to exceed \$10,000.

(g) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(1) CRIMINAL PENALTY.—Any person who—

(A) files an application for blue card status under section 101 or an adjustment of status

under section 103 and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(2) **INADMISSIBILITY.**—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(h) **ELIGIBILITY FOR LEGAL SERVICES.**—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for blue card status under section 101 or an adjustment of status under section 103.

(i) **APPLICATION FEES.**—

(1) **FEE SCHEDULE.**—The Secretary shall provide for a schedule of fees that—

(A) shall be charged for the filing of an application for blue card status under section 101 or for an adjustment of status under section 103; and

(B) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(2) **PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.**—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under paragraph (1)(B) for services provided to applicants.

(3) **DISPOSITION OF FEES.**—

(A) **IN GENERAL.**—There is established in the general fund of the Treasury a separate account, which shall be known as the “Agricultural Worker Immigration Status Adjustment Account”. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under paragraph (1)(A).

(B) **USE OF FEES FOR APPLICATION PROCESSING.**—Amounts deposited in the “Agricultural Worker Immigration Status Adjustment Account” shall remain available to the Secretary until expended for processing applications for blue card status under section 101 or an adjustment of status under section 103.

SEC. 105. WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.

(a) **NUMERICAL LIMITATIONS DO NOT APPLY.**—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under section 103.

(b) **WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.**—In the determination of an alien's eligibility for status under section 101(a) or an alien's eligibility for adjustment of status under section 103(b)(2)(A) the following rules shall apply:

(1) **GROUNDS OF EXCLUSION NOT APPLICABLE.**—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) **WAIVER OF OTHER GROUNDS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(B) **GROUNDS THAT MAY NOT BE WAIVED.**—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under subparagraph (A).

(C) **CONSTRUCTION.**—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(3) **SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.**—An alien is not ineligible for blue card status under section 101 or an adjustment of status under section 103 by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(c) **TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.**—

(1) **BEFORE APPLICATION PERIOD.**—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in section 101(a)(2) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

(2) **DURING APPLICATION PERIOD.**—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in section 101(a)(2), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) **IN GENERAL.**—There shall be no administrative or judicial review of a determination respecting an application for blue card status under section 101 or adjustment of status under section 103 except in accordance with this section.

(b) **ADMINISTRATIVE REVIEW.**—

(1) **SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.**—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(2) **STANDARD FOR REVIEW.**—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(c) **JUDICIAL REVIEW.**—

(1) **LIMITATION TO REVIEW OF REMOVAL.**—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(2) **STANDARD FOR JUDICIAL REVIEW.**—Such judicial review shall be based solely upon the

administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 107. USE OF INFORMATION.

Beginning not later than the first day of the application period described in section 101(a)(2), the Secretary, in cooperation with qualified designated entities (as that term is defined in section 104(b)), shall broadly disseminate information respecting the benefits that aliens may receive under this subtitle and the requirements that an alien is required to meet to receive such benefits.

SEC. 108. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) **REGULATIONS.**—The Secretary shall issue regulations to implement this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) **EFFECTIVE DATE.**—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation, for fiscal years 2007 and 2008.

Subtitle B—Correction of Social Security Records

SEC. 111. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) **IN GENERAL.**—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:

“(D) who is granted blue card status under the Agricultural Job Opportunity, Benefits, and Security Act of 2007,”; and

(4) by striking “1990.” and inserting “1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted blue card status.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE II—REFORM OF H-2A WORKER PROGRAM

SEC. 201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) **IN GENERAL.**—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by striking section 218 and inserting the following:

“SEC. 218. H-2A EMPLOYER APPLICATIONS.

“(a) **APPLICATIONS TO THE SECRETARY OF LABOR.**—

“(1) **IN GENERAL.**—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

“(A) the assurances described in subsection (b);

“(B) a description of the nature and location of the work to be performed;

“(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

“(D) the number of job opportunities in which the employer seeks to employ the workers.

“(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

“(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

“(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

“(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

“(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

“(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

“(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

“(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer has applied for an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied for an H-2A worker under subsection (a) and to all other workers in the same occupation at the place of employment.

“(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer has applied for an H-2A worker.

“(E) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

“(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, operated, or controlled by such other employer;

“(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

“(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

“(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

“(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(H) EMPLOYMENT OF UNITED STATES WORKERS.—

“(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2A nonimmigrants are, sought:

“(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

“(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

“(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking

workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

“(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H-2A workers could not reasonably have been foreseen.

“(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

“(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the H-2A worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the H-2A worker who is in the job was hired has elapsed, subject to the following requirements:

“(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

“(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

“(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

“(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

“(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

“(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A, 218B, and 218C.

“(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

“(d) WITHDRAWAL OF APPLICATIONS.—

“(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

“(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

“(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H-2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

“(e) REVIEW AND APPROVAL OF APPLICATIONS.—

“(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or worksite, a copy of each such application (and such accompanying documents as are necessary).

“(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

“(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under subsection (a). Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

“(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.”

“SEC. 218A. H-2A EMPLOYMENT REQUIREMENTS.

“(a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H-2A workers.

“(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

“(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

“(A) IN GENERAL.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

“(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

“(C) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

“(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

“(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

“(F) CHARGES FOR HOUSING.—

“(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

“(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

“(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

“(i) IN GENERAL.—If the requirement set out in clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

“(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor

that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

“(iii) AMOUNT OF ALLOWANCE.—

“(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(2) REIMBURSEMENT OF TRANSPORTATION.—

“(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

“(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

“(C) LIMITATION.—

“(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

“(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

“(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall

provide the transportation reimbursement required by subparagraph (A).

“(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker’s living quarters and the employer’s worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

“(3) REQUIRED WAGES.—

“(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

“(B) LIMITATION.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

“(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

“(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

“(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(I) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(D) DEDUCTIONS.—The employer shall make only those deductions from the worker’s wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker’s wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker’s total earnings for the pay period;

“(ii) the worker’s hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over

and above the $\frac{3}{4}$ guarantee described in paragraph (4);

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker’s wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2009, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

“(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

“(v) recommendations for future wage protection under this section.

“(H) COMMISSION ON WAGE STANDARDS.—

“(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H-2A program (in this subparagraph referred to as the ‘Commission’).

“(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

“(I) Four representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

“(II) Four representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

“(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

“(I) whether the employment of H-2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H-2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H-2A workers in those occupations;

“(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H-2A workers are employed from falling below the wage level that would have prevailed in the absence of H-2A employment;

“(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(V) recommendations for future wage protection under this section.

“(iv) FINAL REPORT.—Not later than December 31, 2009, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

“(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

“(4) GUARANTEE OF EMPLOYMENT.—

“(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least $\frac{3}{4}$ of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker’s Sabbath and Federal holidays. If the employer affords the United States or H-2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

“(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker’s Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the $\frac{3}{4}$ guarantee described in subparagraph (A).

“(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker’s employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

“(5) MOTOR VEHICLE SAFETY.—

“(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

“(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H-2A employer that uses or causes to be used any vehicle to transport an H-2A worker within the United States.

“(ii) DEFINED TERM.—In this paragraph, the term ‘uses or causes to be used’—

“(I) applies only to transportation provided by an H-2A employer to an H-2A worker, or by a farm labor contractor to an H-2A worker at the request or direction of an H-2A employer; and

“(II) does not apply to—

“(aa) transportation provided, or transportation arrangements made, by an H-2A

worker, unless the employer specifically requested or arranged such transportation; or

“(bb) car pooling arrangements made by H-2A workers themselves, using 1 of the workers’ own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

“(iii) CLARIFICATION.—Providing a job offer to an H-2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H-2A worker by an H-2A employer, shall not constitute an arrangement of, or participation in, such transportation.

“(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H-2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

“(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H-2A worker.

“(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

“(iii) EFFECT OF WORKERS’ COMPENSATION COVERAGE.—If the employer of any H-2A worker provides workers’ compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this as-

surance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer’s application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“SEC. 218B. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

“(a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H-2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

“(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) CRITERIA FOR ADMISSIBILITY.—

“(1) IN GENERAL.—An H-2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

“(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien’s authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H-2A status, but may not be granted that status in the United States.

“(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again be-

comes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H-2A worker prematurely abandons employment.

“(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H-2A worker who violates any term or condition of the worker’s nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) REPLACEMENT OF ALIEN.—

“(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H-2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify the alien’s identity.

“(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H-2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(h) EXTENSION OF STAY OF H-2A ALIENS IN THE UNITED STATES.—

“(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H-2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

“(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

“(A) for a period of more than 10 months; or

“(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

“(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

“(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

“(B) DEFINITION.—For purposes of subparagraph (A), the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

“(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H-2A worker (including any extensions) is 3 years.

“(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

“(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H-2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least $\frac{1}{2}$ the duration of the alien's previous period of authorized status as an H-2A worker (including any extensions).

“(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H-2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H-2A worker.

“(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the Agricultural Job Opportunities, Benefits, and Security Act of 2007, an alien admitted under section 101(a)(15)(H)(i)(a) for employment as a shepherd, goat herder, or dairy worker—

“(1) may be admitted for an initial period of 12 months;

“(2) subject to subsection (j)(5), may have such initial period of admission extended for a period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) (relating to periods of absence from the United States).

“(j) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

“(1) ELIGIBLE ALIEN.—For purposes of this subsection, the term ‘eligible alien’ means an alien—

“(A) having nonimmigrant status under section 101(a)(15)(H)(i)(a) based on employment as a shepherd, goat herder, or dairy worker;

“(B) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(C) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(2) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(A) the alien's employer on behalf of the eligible alien; or

“(B) the eligible alien.

“(3) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa described in paragraph (1)(C) for an eligible alien.

“(4) EFFECT OF PETITION.—The filing of a petition described in paragraph (2) or an application for adjustment of status based on the approval of such a petition shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(i)(a).

“(5) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in paragraph (2) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of

status to that of an alien lawfully admitted for permanent residence.

“(6) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

“SEC. 218C. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

“(a) ENFORCEMENT AUTHORITY.—

“(1) INVESTIGATION OF COMPLAINTS.—

“(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (G). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(i)(a) for a period of 1 year.

“(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$5,000 per violation) as

the Secretary of Labor determines to be appropriate;

“(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

“(iii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 2 years.

“(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed \$15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of H-2A workers for a period of 3 years.

“(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of \$90,000.

“(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H-2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

“(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H-2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

“(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

“(2) The reimbursement of transportation as required under section 218A(b)(2).

“(3) The payment of wages required under section 218A(b)(3) when due.

“(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

“(5) The guarantee of employment required under section 218A(b)(4).

“(6) The motor vehicle safety requirements under section 218A(b)(5).

“(7) The prohibition of discrimination under subsection (d)(2).

“(c) PRIVATE RIGHT OF ACTION.—

“(1) MEDIATION.—Upon the filing of a complaint by an H-2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

“(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H-2A workers and agricultural employers without charge to the parties.

“(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

“(C) AUTHORIZATION.—

“(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service \$500,000 for each fiscal year to carry out this section.

“(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

“(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H-2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

“(3) ELECTION.—An H-2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

“(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H-2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

“(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence

may not be construed to prohibit agreements to settle private disputes or litigation.

“(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

“(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

“(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

“(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

“(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H-2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

“(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

“(i) a recovery under a State workers' compensation law; or

“(ii) rights conferred under a State workers' compensation law.

“(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H-2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H-2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

“(9) PRECLUSIVE EFFECT.—Any settlement by an H-2A worker and an H-2A employer or any person reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H-2A employer on behalf of an H-2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

“(d) DISCRIMINATION PROHIBITED.—

“(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the

employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

“(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H-2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

“(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H-2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

“(f) ROLE OF ASSOCIATIONS.—

“(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

“(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association member or members as well.

“SEC. 218D. DEFINITIONS.

“For purposes of this section and section 218, 218A, 218B, and 218C:

“(1) AGRICULTURAL EMPLOYMENT.—The term ‘agricultural employment’ means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

“(2) BONA FIDE UNION.—The term ‘bona fide union’ means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

“(3) DISPLACE.—The term ‘displace’, in the case of an application with respect to 1 or more H-2A workers by an employer, means laying off a United States worker from a job for which the H-2A worker or workers is or are sought.

“(4) ELIGIBLE.—The term ‘eligible’, when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

“(5) EMPLOYER.—The term ‘employer’ means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

“(6) H-2A EMPLOYER.—The term ‘H-2A employer’ means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

“(7) H-2A WORKER.—The term ‘H-2A worker’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

“(8) JOB OPPORTUNITY.—The term ‘job opportunity’ means a job opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

“(9) LAYING OFF.—

“(A) IN GENERAL.—The term ‘laying off’, with respect to a worker—

“(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary suspension of employment due to weather, markets, or other temporary conditions; but

“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

“(10) REGULATORY DROUGHT.—The term ‘regulatory drought’ means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

“(11) SEASONAL.—Labor is performed on a ‘seasonal’ basis if—

“(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

“(B) from its nature, it may not be continuous or carried on throughout the year.

“(12) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

“(13) TEMPORARY.—A worker is employed on a ‘temporary’ basis where the employment is intended not to exceed 10 months.

“(14) UNITED STATES WORKER.—The term ‘United States worker’ means any worker, whether a national of the United States, an alien lawfully admitted for permanent residence, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).”.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

“Sec. 218. H-2A employer applications.

“Sec. 218A. H-2A employment requirements.

“Sec. 218B. Procedure for admission and extension of stay of H-2A workers.

“Sec. 218C. Worker protections and labor standards enforcement.

“Sec. 218D. Definitions.”.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens pursuant to the amendment made by section 201(a) of this Act and a collection process for such fees from employers. Such fees shall be the only fees chargeable to employers for services provided under such amendment.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as amended by section 201 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ aliens pursuant to the amendment made by section 201(a) of this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the fees pursuant to the amendment made by section 201(a) of this Act shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as amended and added, respectively, by section 201 of this Act, and the provisions of this Act.

SEC. 302. REGULATIONS.

(a) REQUIREMENT FOR THE SECRETARY TO CONSULT.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture during the promulgation of all regulations to implement the duties of the Secretary under this Act and the amendments made by this Act.

(b) REQUIREMENT FOR THE SECRETARY OF STATE TO CONSULT.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this Act and the amendments made by this Act.

(c) REQUIREMENT FOR THE SECRETARY OF LABOR TO CONSULT.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this Act and the amendments made by this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State,

and the Secretary of Labor created under sections 218, 218A, 218B, 218C, and 218D of the Immigration and Nationality Act, as amended or added by section 201 of this Act, shall take effect on the effective date of section 201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 303. REPORTS TO CONGRESS.

(a) **ANNUAL REPORT.**—Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection 218B(e)(2) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218B(d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 101(a);

(5) the number of such aliens whose status was adjusted under section 101(a);

(6) the number of aliens who applied for permanent residence pursuant to section 103(c); and

(7) the number of such aliens who were approved for permanent residence pursuant to section 103(c).

(b) **IMPLEMENTATION REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 304. EFFECTIVE DATE.

Except as otherwise provided, sections 201 and 301 shall take effect 1 year after the date of the enactment of this Act.

Mr. CRAIG. Mr. President, the last Congress worked long and hard to resolve one of the most contentious issues of our time: immigration. As many of our colleagues know, while a number of border enforcement measures were enacted, we did not complete all the critical elements of a comprehensive strategy on immigration reform.

Today, I am joining with Senators FEINSTEIN, KENNEDY, SPECTER, LEAHY, MARTINEZ, VOINOVICH, MCCAIN, HAGEL, DOMENICI, BOXER, CLINTON, OBAMA, KOHL, SALAZAR, MURRAY, and SCHUMER in reintroducing legislation to address a very important piece of that unfinished business: the establishment of a workable, secure, effective temporary worker program to match willing foreign workers with jobs that Americans are unwilling or unable to perform.

Our legislation is specific to U.S. agriculture, because this economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H-2A Guest Worker Program, is profoundly broken. Outside of H-2A, farm employers have no effective, reliable assurance that their employees are legal.

The bill we are reintroducing is called AgJOBS—the Agricultural Job

Opportunity, Benefits, and Security Act. This bill was part of the comprehensive immigration legislation passed last year by the Senate. Today's version incorporates a few language changes that update, but do not substantively amend, that measure.

We are reintroducing AgJOBS to fix the serious flaws that plague our country's current agricultural labor system. Agriculture has unique workforce needs because of the special nature of its products and production, and our bill addresses those needs.

Our bill offers a thoughtful, thorough, two-step solution. On a one-time basis, experienced, trusted workers with a significant work history in American agriculture would be allowed to stay here legally and earn adjustment to legal status. For workers and growers using the H-2A legal guest worker program, that program would be overhauled and made more streamlined, practical, and secure.

This legislation has been tested and examined for years in the Senate and House of Representatives, and it remains the best alternative for resolving urgent problems in our agriculture that require immediate attention. That is why AgJOBS has been endorsed by a historic, broad-based coalition of more than 400 national, State, and local organizations, including farmworkers, growers, the general business community, Latino and immigration issue groups, taxpayer groups, other public interest organizations, State directors of agriculture, and religious groups.

We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works.

AgJOBS would serve all these goals.

Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports.

Time is running out for American agriculture, farmworkers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately. I urge my colleagues to demonstrate their support for U.S. agriculture by cosponsoring the Agricultural Job Opportunity, Benefits, and Security Act—AgJOBS 2007—and by helping us pass this critical legislation as soon as possible.

Mr. KENNEDY. Mr. President, it's a privilege to join Senators FEINSTEIN and CRAIG and my other colleagues today as we re-introduce the Agricultural Jobs, Opportunity, Benefits, and

Security Act of 2007. I commend them and Representatives HOWARD BERMAN and CHRIS CANNON for their bipartisan leadership and am pleased to be part to this landmark legislation.

The bill reflects a far-reaching and welcome agreement between the United Farm Workers and the agricultural industry, one of the most difficult immigration challenges we face, and we in Congress should make the most of this unique opportunity for progress.

America has a proud tradition as a nation of immigrants and a nation of laws. But our current immigration laws have failed us on both counts. Much of the Nation's economy today depends on the hard work and the many contributions of immigrants. The agricultural industry would grind to a halt without immigrant farm workers. Yet, the overwhelming majority of these workers lack legal status, and thus can be easily exploited by unscrupulous employers.

The Agricultural Jobs, Opportunity, Benefits, and Security Act—AgJOBS—is an opportunity to correct these long-fester problems. It will give farm workers and their families the dignity and justice they deserve, and it will give agricultural employees a legal workforce.

This compromise has broad support in Congress, and from business and labor, civic and faith-based organizations, liberals and conservatives, trade associations and immigrant rights groups.

The AgJOBS Act is a needed reform in our immigration laws, to reflect current economic realities, address our security needs more effectively, and do so in a way that respects America's immigrant heritage. It provides a fair and reasonable way for undocumented agricultural workers to earn legal status and also reforms the current visa program, so that employers unable to find American workers can hire needed foreign workers. Together they serve as the cornerstone for comprehensive immigration reform of the agricultural sector.

AgJOBS is good for labor and business. The Nation can no longer ignore the fact that more than half of our agricultural workers are undocumented. Growers need an immediate, reliable and legal workforce at harvest time. Farm workers need legal status to improve their wages and working conditions. Everyone is harmed when crops rot in the field because of the lack of an adequate labor force.

The AgJOBS Act provides a fair and reasonable process for undocumented agricultural workers to earn legal status. Undocumented farm workers are clearly vulnerable to abuse by unscrupulous labor contractors and growers, and their illegal status deprives them of bargaining power and depresses the wages of all farm workers. Our bill provides fair solutions for undocumented workers who have been toiling in our fields, harvesting our fruits and vegetables.

The bill is not an amnesty. To earn the right to remain in this country, workers would not only have to demonstrate past work contributions to the U.S. economy, but also make a substantial future work commitment. These workers will be able to come forward, identify themselves, provide evidence that they have been employed in agriculture, and continue to work hard and play by the rules.

The legislation will also modify the current temporary foreign agricultural worker program, while preserving and enhancing key labor protections. It strikes a fair balance and streamlines the H-2A program's application process by reducing paperwork for employers and accelerate processing. But individuals participating in the program receive strong labor protections. Anything else would undermine the jobs, wages and working conditions of U.S. workers.

This legislation would unify families. When temporary residence is granted, the farm worker's spouse and minor children would be allowed to remain legally in the U.S., but they would not be authorized to work. When the worker becomes a permanent resident, the spouse and minor children would also gain such status.

AgJOBS will also enhance national security and reduce illegal immigration. AgJOBS will also reduce the chaotic, illegal, and all-too-deadly flows of immigrants at our borders by providing safe and legal avenues for farm workers and their families. Future temporary workers will be carefully screened to meet security concerns. Enforcement resources will be more effectively focused on the highest risks. By bringing undocumented farm workers out of the shadows and require them to pass thorough security checks, it will enable our officers to more effectively train their sights on terrorists and criminals.

Last year, the Senate came together—Democrats and Republicans—to pass farreaching immigration reform legislation, which included the AgJOBS bill. The American people are calling on us to come together again. They know there is a crisis and they want action now.

The President has been a leader on immigration reform, and I'm hopeful that he will renew his efforts with members of his party, so that we can enact comprehensive reform legislation, to end the festering crisis once and for all. The House of Representatives is now ready to be a genuine partner in this effort.

By heritage and history, America is a nation of immigrants. Our legislation proposes necessary changes in the law while preserving this tradition. This bill will ensure that immigrant farm workers can live the American dream and contribute to our prosperity, our security, and our values and I hope very much that it can be enacted quickly in this new Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 33—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND ITS RELATIONSHIP WITH THE REPUBLIC OF GEORGIA BY COMMENCING NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 33

Whereas, in the November 2003 Rose Revolution, the people of the Republic of Georgia protested fraudulent elections in a non-violent manner and demanded a fair election, resulting in a democratically elected new government;

Whereas, based on commitments to maintain an open economy and adhere to free trade principles including the reduction and elimination of trade barriers, Georgia was granted membership in the World Trade Organization on June 14, 2000;

Whereas, Georgia was found to have accorded its citizens the right to emigrate, travel freely, and to return to their country without restriction meeting the human rights criteria consistent with the objectives of the Trade Act of 1974, and based on these findings was granted permanent normal trade relations through a waiver of Jackson-Vanik sanctions in 2000;

Whereas, in 1994, Georgia concluded a bilateral investment treaty with the United States, its largest source of foreign direct investment, in order to promote and facilitate non-discriminatory, open and fair commercial policies;

Whereas, the United States is Georgia's largest trading partner and the commercial relationship presents an opportunity for American companies to expand and prosper;

Whereas, the Georgian government has made significant efforts to promote regional cooperation and peaceful conflict resolution;

Whereas Georgia has demonstrated a commitment to responsible facilitation of the energy resources located within the region;

Whereas, Georgia has taken important steps toward the creation of democratic institutions and a free-market economy and, as a participating state of the Organization for Security and Cooperation in Europe (OSCE), is committed to developing a system of governance in accordance with the principles regarding human rights and humanitarian affairs that are set forth in the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"); and

Whereas the United States is committed to aiding in regional development, economic integration and supporting democracy in the South Caucasus: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

SENATE RESOLUTION 34—CALLING FOR THE STRENGTHENING OF THE EFFORTS OF THE UNITED STATES TO DEFEAT THE TALIBAN AND TERRORIST NETWORKS IN AFGHANISTAN

Mr. KERRY (for himself and Mr. FEINGOLD) submitted the following res-

olution; which was referred to the Committee on Foreign Relations:

S. RES. 34

Whereas global terrorist networks, including the al Qaeda organization that attacked the United States on September 11, 2001, continue to threaten the security of the United States and are recruiting new members and developing the capability and plans to attack the United States and its allies throughout the world;

Whereas a democratic, stable, and prosperous Afghanistan is a vital security interest of the United States;

Whereas stability in Afghanistan is being threatened by antigovernment and Taliban forces that seek to disrupt political and economic developments throughout the country;

Whereas Osama Bin Laden and Ayman al-Zawahiri, the leaders of al Qaeda, are still at large and are reportedly hiding somewhere in the Afghanistan-Pakistan border region;

Whereas, according to United States military intelligence officials—

(1) Taliban attacks on United States, allied, and Afghan forces increased from 1,558 in 2005 to 4,542 in 2006;

(2) suicide bomb attacks in Afghanistan increased from 27 in 2005 to 139 in 2006;

(3) roadside bomb attacks more than doubled from 783 in 2005 to 1,677 in 2006; and

(4) crossborder attacks from Pakistan into Afghanistan have increased by 300 percent since September 2006;

Whereas, on September 2, 2006, the United Nations Office on Drugs and Crime reported that in 2006 opium poppy cultivation in Afghanistan increased 59 percent over 2005 levels and reached a record high;

Whereas the President's current request for United States economic assistance to Afghanistan for fiscal year 2007 is approximately 33 percent of the amount appropriated for fiscal year 2006;

Whereas only 50 percent of the money pledged by the international community for Afghanistan between 2002 and 2005 has actually been delivered;

Whereas, on September 12, 2006, the Secretary of State said, "[A]n Afghanistan that does not complete its democratic evolution and become a stable, terrorist-fighting state is going to come back to haunt us. . . . [I]t will come back to haunt our successors and their successors." and "If we should have learned anything, it is if you allow that kind of vacuum, if you allow a failed state in that strategic a location, you're going to pay for it.";

Whereas the bipartisan Iraq Study Group Report concluded, "If the Taliban were to control more of Afghanistan, it could provide al Qaeda the political space to conduct terrorist operations. This development would destabilize the region and have national security implications for the United States and other countries around the world.";

Whereas the Iraq Study Group Report recommended that the President provide additional political, economic, and military support for Afghanistan, including resources that might become available as combat forces are redeployed from Iraq;

Whereas the Iraq Study Group Report specifically recommended that the United States meet the request of General James Jones, then United States North Atlantic Treaty Organisation (NATO) commander, for more troops to combat the resurgence of al Qaeda and Taliban forces in Afghanistan;

Whereas, on October 8, 2006, General David Richards, NATO's top commander in Afghanistan, warned that a majority of Afghans would likely switch their allegiance to resurgent Taliban militants if their lives showed no visible improvements in the next 6 months;

Whereas, on January 6, 2007, Army Brigadier General Anthony J. Tata stated that the shortage of troops in Afghanistan could create a "strategic high risk, a strategic threat" to the United States and "an operational threat" to the elected government of Hamid Karzai;

Whereas, on January 15, 2007, Secretary of Defense Robert M. Gates stated that there were "indications that the Taliban were planning a large spring offensive" against United States troops and NATO forces;

Whereas, on January 16, 2007, Lieutenant General Karl Eikenberry, the senior United States commander in Afghanistan, asked to extend the deployment of a United States battalion in Afghanistan that was scheduled to be redeployed to Iraq;

Whereas, on January 17, 2007, General David Richards stated that unmet pledges of troops and equipment from NATO countries have left him 10 to 15 percent short of the forces he requires, saying, "Clearly, there is a need to fulfill those commitments.";

Whereas, on January 17, 2007, Secretary of Defense Robert M. Gates stated that United States military commanders in Afghanistan have requested additional United States troops for Afghanistan, and stated that he was "sympathetic" to this request;

Whereas the United States currently has approximately 21,000 troops in Afghanistan, approximately 1/7 of the number of United States troops currently deployed to Iraq;

Whereas the President of the United States has announced plans to send approximately 21,500 additional United States troops to Iraq; and

Whereas if the United States does not strengthen efforts to defeat the Taliban and to create long-term stability in Afghanistan, Afghanistan will become what it was before the September 11, 2001 terrorist attacks, a haven for those who seek to harm the United States and a source of instability that threatens the security of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States must strengthen its commitment to establishing long-term stability and peace in Afghanistan;

(2) the President should not reduce the total number of United States troops serving in Afghanistan in order to increase the total number of United States troops serving in Iraq;

(3) the United States, in partnership with the International Security Assistance Force and the Government of Afghanistan, should immediately increase its efforts to eradicate the Taliban, terrorist organizations, and criminal networks currently operating in Afghanistan, including by increasing United States military personnel as requested by United States military commanders in Afghanistan;

(4) the United States, in support of the Government of Afghanistan, should significantly increase the amount of economic assistance available in Afghanistan for reconstruction, social and economic development, counternarcotics efforts, and democracy promotion activities; and

(5) the United States should work aggressively to encourage members of the international community to deliver on the financial pledges they have made to support development and reconstruction efforts in Afghanistan.

AMENDMENTS SUBMITTED AND PROPOSED

SA 98. Mrs. FEINSTEIN (for Mr. ENSIGN (for himself, Mr. McCain, and Mr. DeMINT)) proposed an amendment to amendment SA 3

proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process.

SA 99. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, *supra*.

TEXT OF AMENDMENTS

SA 98. Mrs. FEINSTEIN (for Mr. ENSIGN (for himself, Mr. McCain, and Mr. DeMINT)) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S. 1, to provide greater transparency in the legislative process; as follows:

Strike page 3, line 9 through page 4, line 12 and insert the following:

"(A) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House.

(1) For the purpose of this section "matter not committed to the conferees by either House" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) For the purpose of Rule XXVIII of the Standing Rules of the Senate "matter not committed" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be stricken;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made).

SA 99. Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to amendment SA 3 proposed by Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mr. BENNETT, Mr. LIEBERMAN, Ms. COLLINS, Mr. OBAMA, Mr. SALAZAR, and Mr. DURBIN) to the bill S.

1, to provide greater transparency in the legislative process; as follows:

On page 4, strike lines 16 through 19.

On page 13, lines 1 and 2, strike "The Select Committee on Ethics and".

On page 15, strike beginning with line 22 through page 16, line 21, and insert the following:

(a) IN GENERAL.—Section 207(j)(1) of title 18, United States Code, is amended, by—

(1) striking "The restrictions" and inserting the following:

"(A) IN GENERAL.—The restrictions"; and

(2) adding at the end the following:

"(B) INDIAN TRIBES.—The restrictions contained in this section shall not apply to acts done pursuant to section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i)."

(b) CONFORMING AMENDMENT.—Section 104(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(j)) is amended by striking "and former officers and employees of the United States employed by Indian tribes may act as agents or attorneys for or" and inserting "or former officers and employees of the United States who are carrying out official duties as employees or as elected or appointed officials of an Indian tribe may communicate with and".

On page 24, strike lines 11 through 20 and insert the following:

(A) by striking the first sentence and inserting the following: "Not later than 20 days after the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day, in which a registrant is registered with the Secretary of the Senate and the Clerk of the House of Representatives, a registrant shall file a report or reports, as applicable, on its lobbying activities during such quarterly period."; and

On page 27, strike line 12 through "day," on line 15 and insert "Not later than 20 days after the end of the end of the quarterly period beginning on the 1st day of January, April, July, and October of each year, or on the first business day after the 20th day if that day is not a business day.".

On page 46, lines 12 and 13, strike "oversight and enforcement" and insert "administration".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 7, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for FY 2008 for the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Jonathan Epstein at (202) 224-3031 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, February 15, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for FY 2008 for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact David Brooks at (202) 224-0963 or Rachael Pasternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 18, 2007, at 2:30 p.m., in closed session to receive a briefing on intelligence assessments on the situation in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN
AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 18, 2007, at 10 a.m., to vote on committee organizational matters for the 110th Congress; immediately following the executive session the committee will meet to conduct a hearing on "Examining the State of Transit Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, January 18, 2007, at 10 a.m. in room SR-253 of the Russell Senate Office Building.

The purpose of the hearing is to conduct oversight on Federal efforts to improve rail and surface transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, January 18, 2007, at 9:30 a.m. in room SD-G50 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on issues relating to oil and gas royalty management at the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, January 18, 2007, at 9:30 a.m. to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, January 18, 2007, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to organize for the 110th Congress by electing the Chairman and Vice Chairman of the Committee and to adopt the rules of the Committee and any other organizational business the Committee needs to consider.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Department of Justice Oversight" on Thursday, January 18, 2007 at 9:30 a.m. in the Dirksen Senate Office Building Room 106.

PANEL I: The Honorable Alberto Gonzales, Attorney General of the United States, Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND
ENTREPRENEURSHIP

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for an organizational hearing, on Thursday, January 18, 2007, beginning at 9 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 18, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING SENATORS AS MEMBERS OF THE JOINT COMMITTEE ON TAXATION

The PRESIDING OFFICER. The Chair announces, on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana, Mr. BAUCUS; the Senator from West Virginia, Mr. ROCKEFELLER; the Senator from North Dakota, Mr. CONRAD; the Senator from Iowa, Mr. GRASSLEY; the Senator from Utah, Mr. HATCH.

ORDER FOR STAR PRINT—S. 108

Mr. REID. Madam President, I ask unanimous consent that S. 108, the Psychologists in the Service of the Public Act of 2007, be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST
TIME—H.R. 6

Mr. REID. Madam President, it is my understanding that H.R. 6 has been received from the House and is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will state the bill by title. The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Mr. REID. Madam President, I object to the second reading.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, JANUARY
22, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. Monday, January 22; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 2 p.m. the Senate begin consideration of H.R. 2, the minimum wage increase bill, as provided for under a previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, I have already announced that there will be

no rollcall votes on Monday or tomorrow. Of course, we are not going to be in session tomorrow.

Tuesday, I expect that we will vote prior to the recess for the caucus luncheons.

ADJOURNMENT UNTIL MONDAY, JANUARY 22, 2007, AT 1 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:35 p.m., adjourned until Monday, January 22, 2007, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate January 18, 0007:

DEPARTMENT OF COMMERCE

MARIO MANCUSO, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE DAVID H. MCCORMICK.

DEPARTMENT OF STATE

WILLIAM B. WOOD, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

PAUL J. BONICELLI, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ADOLFO A. FRANCO.

DEPARTMENT OF JUSTICE

PATRICK P. SHEN, OF MARYLAND, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS, VICE WILLIAM SANCHEZ, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. THOMAS W. TRAVIS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID H. CYR, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DOUGLAS J. ROBB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL FRANK J. CASSERINO, 0000
BRIGADIER GENERAL STEPHEN P. GROSS, 0000
BRIGADIER GENERAL CLAY T. MCCUTCHAN, 0000
BRIGADIER GENERAL FRANK J. PADILLA, 0000
BRIGADIER GENERAL LOREN S. PERLSTEIN, 0000
BRIGADIER GENERAL JACK W. RAMSAUR II, 0000
BRIGADIER GENERAL BRADLEY C. YOUNG, 0000

To be brigadier general

COLONEL FRANK E. ANDERSON, 0000
COLONEL PATRICK A. CORD, 0000
COLONEL CRAIG N. GOURLEY, 0000
COLONEL DONALD C. RALPH, 0000
COLONEL WILLIAM F. SCHAUFFERT, 0000
COLONEL JACK K. SEWELL, JR., 0000
COLONEL RICHARD A. SHOOK, JR., 0000
COLONEL LANCE D. UNDJEM, 0000
COLONEL JOHN T. WINTERS, JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. ALLEN, 0000
BRIG. GEN. THOMAS L. CONANT, 0000
BRIG. GEN. JOHN F. KELLY, 0000
BRIG. GEN. FRANK A. PANTER, JR., 0000
BRIG. GEN. MASTIN M. ROBESON, 0000
BRIG. GEN. TERRY G. ROBLING, 0000
BRIG. GEN. ROBERT E. SCHMIDLE, JR., 0000
BRIG. GEN. RICHARD T. TRYON, 0000
BRIG. GEN. THOMAS D. WALDHAUSER, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

MICHAEL D. JACOBSON, 0000

To be major

LUIS BERMUDEZ RODRIGUEZ, 0000
JUANITA HEIMRICH, 0000
ADLI J. KARADSHIEH, 0000
DAVID B. ROBERTS, 0000
TERRILL L. TOPS, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

STUART C. CALLE, 0000
KEVIN T. FITZPATRICK, 0000
MITCHELL A. LUCHANSKY, 0000
CLAYTON H. NASH, 0000
RAFAEL PEREZ GUERRA, 0000
DAVID B. TRANT, 0000

To be major

MICHAEL J. DEGUZMAN, 0000
RAVINDRA H. GOEL, 0000
TODD E. JOHNSON, 0000
ARIBETH C. MARLYNE, 0000
EDWIN O. RODRIGUEZ PAGAN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ERIC D. ADAMS, 0000
ALFONSO S. ALARCON, 0000
JON C. ALLISON, 0000
ROCCO A. ARMONDA, 0000
PETER J. ARMSTRONG, 0000
RICANTHONY R. ASHLEY, 0000
DAVID W. BARBER, 0000
SCOTT D. BARNES, 0000
PAUL L. BENFANTI, 0000
PETER J. BENSON, 0000
STEPHEN A. BERNSTEIN, 0000
ROMAN O. BILYNSKY, 0000
LORNE H. BLACKBOURNE, 0000
YONG C. BRADLEY, 0000
DAVID A. BROWN, 0000
ROBERT N. BRUCE, 0000
CHESTER C. BUCKENMAIER III, 0000
ROBERT B. CARROLL, 0000
ELLEN M. CHUNG, 0000
ROBERT M. CRAIG, 0000
MARC L. DAYMUDE, 0000
DAVID A. DELLAGIUSTINA, 0000
PAUL DUCH, 0000
KIRK W. EGGLESTON, 0000
MICHAEL D. EISENHAEUER, 0000

RICHARD W. ELLISON, 0000
ROBERT W. ENQUIST, 0000
ALEC T. EROR, 0000
JOHN H. FARLEY, 0000
DENNIS L. FEBINGER, 0000
HERBERT P. FECHTER, 0000
JOHN H. GARR, 0000
JAMIE B. GRIMES, 0000
KIRBY R. GROSS, 0000
KARLA K. HANSEN, 0000
WILLIAM C. HEWITSON, 0000
ANTHONY J. JOHNSON, 0000
JEFFREY J. JOHNSON, 0000
REBECCA A. KELLER, 0000
KIMBERLY L. KESLING, 0000
MAUREEN K. KOOPS, 0000
MARK E. LANDAU, 0000
JAMES R. LIFFRIG, 0000
JAMES M. LUCHETTI, 0000
KURT L. MAGGIO, 0000
LIEM T. MANSFIELD, 0000
AIZENHAWAR J. MARROGI, 0000
SHERMAN A. MCCALL, 0000
CRAIG T. MEARS, 0000
JENNIFER S. MENETREZ, 0000
KEVIN P. MICHAELS, 0000
RON L. MOODY, 0000
ROBERT L. MOTT, JR., 0000
MICHAEL R. NELSON, 0000
FRANK J. NEWTON, 0000
DAVID W. NIEBUHR, 0000
KAREN K. OBRIEN, 0000
JAMES D. OLIVER III, 0000
JULIE A. PAVLIN, 0000
SAMUEL E. PAYNE, 0000
ROBERT T. PERO, 0000
ELLEN M. PINHOLT, 0000
ALBERT V. PORAMBO, 0000
ROBERT T. RUIZ, 0000
ROBERT M. RUSH, JR., 0000
JOHN S. SCOTT, 0000
DAVID W. SEES, 0000
JAMES F. SHIKLE, 0000
JOSEPH A. SHROUT, 0000
STEPHEN V. SILVEY, 0000
ROBERT A. SMITH, 0000
GEORGE B. STACKHOUSE, 0000
JAMES J. STAUDENMEIER, 0000
MICHAEL R. STJEAN, 0000
MARK F. TORRES, 0000
GREGORY M. WINN, 0000
THOMAS W. WISENBAUGH, 0000
DAVID S. ZUMBRO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JEFFREY S. ALMONY, 0000
ROBIN T. BRUNO, 0000
JAMES J. CLOSMANN, 0000
CAMERON W. COLE, 0000
PAUL L. COREN, 0000
JACK M. COZBY, JR., 0000
JOSEPH L. CRAVER, 0000
ALEXANDER K. DEITCH, 0000
KENNETH N. DUNN, 0000
NANCY K. ELLISTON, 0000
CHRIS EVANOV, 0000
ROBERT C. GERLACH, 0000
TAMER GOKSEL, 0000
CHARLES L. HATLEY, JR., 0000
MICHAEL L. HEMKER, 0000
GEORGE J. HOLZER, JR., 0000
JAMES P. HOUSTON, 0000
DAVID M. JEFFALONE, JR., 0000
STEPHEN M. KEESEE, 0000
BLAINE L. KNOX, 0000
JAMES R. MACHOLL, 0000
JOHN T. MARLEY, 0000
SCOTT A. MATZENBACHER, 0000
EDWYNNA H. MILLER, 0000
RICKEY A. MORLEN, 0000
DAVID A. MOTT, 0000
CHERYL M. RILEY, 0000
CHARLES A. SABADELL, 0000
CUMMINGS J. SANTIAGO, 0000
STEPHANIE J. SIDOW, 0000
MARK B. SWEET, 0000
KHA N. VO, 0000
PRESTON Q. WELCH, 0000
DANIEL A. ZELESKI, 0000

EXTENSIONS OF REMARKS

OBSERVING THE BIRTHDAY OF MARTIN LUTHER KING, JR.

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. EMANUEL. Madam Speaker, I rise today to honor the life and memory of the Reverend Dr. Martin Luther King, Jr. Today we celebrate Martin Luther King, Jr. Day to remember a great American and civil rights leader, a man committed to uniting people and healing the wounds inflicted by injustice and segregation.

Dr. King embodied the spirit of the civil rights movement of the 1950s and 60s. As a teacher, a preacher, and a leader, he tuned his membership of the board of directors of the National Association for the Advancement of Colored People and his role with the Southern Christian Leadership Conference (SCLC) to help shape the nonviolent philosophy of the movement.

The 1956 Supreme Court decision declaring Alabama's segregation laws unconstitutional was one early victory in his fight for equality and justice. This victory had a tremendous personal cost for Dr. King, as he was arrested, threatened, and his house was bombed. Throughout these arduous times, Dr. King remained strong.

In 1957, Dr. King helped found and became the leader of the Southern Christian Leadership Conference. This organization was formed to provide new leadership to the growing civil rights movement. Like Dr. King, the SCLC was committed to achieving its goals through nonviolent means.

He further refined his philosophy of non-violence during a journey to India in 1959. He saw nonviolent protest as the key to achieving his goals of racial equality and social justice in the face of a sometimes violent opposition.

Despite the obstacles, Dr. King continued his struggle and spoke at the 1963 March on Washington for Jobs and Freedom. It was during this event that he delivered his famous "I Have A Dream" speech at the Lincoln Memorial, proclaiming: "I have a dream, that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'"

The following year, Dr. King saw his hard work come to fruition with passage of the Civil Rights Act of 1964. That same year, Dr. King was awarded the Nobel Peace Prize, becoming the youngest person awarded the Peace Prize at that time. He chose to donate the prize money he received to further the cause of the civil rights movement.

Tragically, Dr. King's life was cut short on April 4, 1968 by a sniper's bullet. His stirring words from his speech at the Lincoln Memorial still echo today and provide us with a goal we

all share, that our "children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

Madam Speaker, I urge everyone to remember and reflect on his words as we commemorate Dr. King's birthday and honor his tireless work in making America a country where the rights of all people are respected and protected.

TRIBUTE TO EDWARD GOTTSCHLING

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to honor one of northwest Indiana's most dedicated, distinguished, and honorable citizens. I have known Edward Gottschling for many years, and he is one of the most active and involved citizens I have ever known, especially when it comes to his service to the community. For many years, Ed has been a constant fixture in the Portage, Indiana Democratic Party and in northwest Indiana. Today, Ed is celebrating a milestone, his 80th birthday. In his honor, a celebration will be taking place on Saturday, January 20, 2007, at the Portage Yacht Club in Portage, Indiana.

Edward Gottschling was born on January 18, 1927, at his home in Gary, Indiana. As a young boy, Ed attended grammar school at Saint John's Lutheran School in the Tolleston neighborhood of Gary. Following his graduation from Tolleston High School in 1944, where he had been a standout pitcher and 4-year letter winner on the school's baseball team, Ed decided to pursue a career with the railroad. Ed began his career as a machinist helper at Elgin, Joliet, and Eastern (EJ&E) Railroad. However, in 1945, on his 18th birthday, Ed felt the need to serve his country and enlisted in the United States Coast Guard. Undoubtedly, this life-changing decision to serve became the first step in a lifetime of dedicated service to his community. Following training in New York and Miami, Ed was stationed in the San Francisco area, where he served as a seaman aboard the Grand Fork and the Key West. Ed's service ended in May 1946 when the Navy decided to make a reduction in the number of servicemen in the Coast Guard.

Upon his discharge from the service, Ed returned to work at EJ&E as an electrical apprentice. In 1954, having decided to further his education, Ed completed his courses and received his degree in electrical technology from Purdue University-Calumet in Hammond, Indiana. Prior to doing so, Ed made a decision to leave EJ&E for a new position with Illinois Bell Telephone, the company for which he would work for the next 32 years. For several years,

Ed held various positions, both indoor and outdoor, with Illinois Bell. Then, in 1959, Ed was transferred to their office in downtown Chicago, where he took on supervisory responsibilities for the company. Though Ed has many fond memories from his years at Illinois Bell, he is particularly fond of being called on to assist with the communication needs for three presidential visits to Chicago, which included visits from former Presidents Richard Nixon, Gerald Ford, and Lyndon Johnson. As if his career were not already impressive enough, Ed was eventually promoted to several other positions, including the Great Lakes Regional Communication Coordinator for the Federal Aviation Administration.

Though Ed retired from Illinois Bell in 1985, it is his lifetime of service to his community that is so astonishing. Since moving his family from Gary to Portage in 1967, Ed has always been an integral part of the Portage community. Ed has served as Portage Police Commissioner and a member of the Planning and Zoning Commission, and he has also served as the Portage area campaign coordinator for a United States Congressional race. Ed's interest in politics and government did not end there, as he has served as a precinct committeeman for the past 14 years and city councilman for the past 12 years, the last 8 of which he has served as council president.

In addition to city government, Ed has also been a very active member of many service clubs and organizations, as well as an active member of his church. He is an active member and past president of the Portage AARP chapter and a member and past commander of the Tolleston VFW post. A member of the VFW for many years, Ed has even held the distinguished post of district commander. Ed is also a lifetime member of the Portage American Legion and Gary Sportsmen's Club and an active member of the Portage Democratic Club. Since the age of 16, Ed has also been a member of the Saxon Lodge, where he has held numerous posts, including club president. As if his commitment to these organizations were not enough, Ed has always dedicated himself to fighting for the needs of the elderly and disabled, as evidenced by his membership with the Porter County Aging and Community Service Corporation and his service on the State Legislative Committee for the AARP and the Governor's Commission on Aging.

Though Ed has a special place in his heart for his community, his greatest love has always been his family. Ed and his wife, Nina, who passed away in 1994 after nearly 43 years of marriage, were the truest example of a loving and committed marriage. The couple raised two very successful children. Dan resides in Seattle, Washington with his wife, Barb, and Laura resides in Crystal Lake, Illinois with her husband, Robert, and children, Mitchell and Stuart. Though he has committed himself to serving his community, Ed's devotion to his family is equally impressive.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, Edward Gottschling has given his time and efforts selflessly to the people of Portage, Indiana throughout his many years of service. At this time, I ask that you and all of my distinguished colleagues join me in commending him for his lifetime of service and dedication to his community. Also, I ask that you join me in wishing him a very happy 80th birthday.

TRIBUTE TO WILLIAM "BILL"
FERGUSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise in sadness over the passing of William "Bill" Ferguson, who suffered a fatal car accident in Miami-Dade County last week. He was a wonderful person, highly educated, and highly motivated and his passing is a great loss for our community.

His family and friends will memorialize him at a "going home" celebration to be held this Friday, January 19, 2007 at the historic Mt. Zion Missionary Baptist Church in Overtown. Mr. Ferguson was a brilliant attorney and counselor, and he was a consummate community activist.

Bill Ferguson's work with Ms. Georgia Ayers's Alternative Program has helped hundreds of men and women become responsible citizens of our community. His work gave hope and courage to countless folks who had been marginalized by their experiences with crime and prison. Some may have given up on them, but Mr. Ferguson's knowledge of the law and his commitment to working with all individuals irrespective of past transgressions made all the difference in countless lives. At work, he was a real marvel to witness.

He was born in November 6, 1946, to James Ferguson and Pauline Holland Ferguson. Having served his country with integrity in the U.S. Navy, he obtained his bachelor's degree in political science at Indiana State University in 1978. He went on to get his law degree from Texas Southern University's Thurgood Marshall School of Law in 1982 in Houston, TX. Not satisfied with his master's degree in law, he pursued another master's degree in counseling from Indiana State University, his alma mater.

He moved to Miami in 1985 where he met Ms. Georgia Ayers, who introduced him to her innovative and award-winning Alternative Program. In his role as "house attorney" and psychologist-counselor, he went above and beyond the call of duty to reach out to needy clients. The collective testimony of praise and gratitude from people in our community is testimony to the utmost respect that people had for Bill Ferguson.

His character and his dedication to helping the less fortunate members of our community defined his leadership. His word was his bond to those who dealt with him—not only in moments of triumphal exuberance in helping many a wayward youth, but also in his quest to transform their lives by the simple rules of good conduct and responsible citizenship.

As we honor William "Bill" Ferguson, I will fondly remember this good man. Our pride in sharing his friendship is only exceeded by our

deep gratitude for all that he has given to our community.

STEM CELL RESEARCH
ENHANCEMENT ACT OF 2007

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of H.R. 3, the Stem Cell Research Enhancement Act.

Through the election, the American people have shown their overwhelming support for the expansion of stem cell research. This legislation will expand lifesaving research and ensures that the Federal Government can implement ethical guidelines. I am proud to be a co-sponsor of H.R. 3, and I applaud Speaker PELOSI, Majority Leader HOYER, and Congresswoman DEGETTE for bringing forward this legislation which reflects the priorities and the needs of the American people.

This bill will provide hope and opportunity for millions of Americans suffering from chronic and life threatening health conditions. This legislation will also ensure that the Federal Government can implement ethical guidelines over federally funded research, which will help to set high standards for all research. To be clear, H.R. 3 only allows Federal funding for embryonic stem cell research in cases where the cells were created for fertility treatment and will otherwise be discarded.

The expansion of funding to stem cell research has the power to make a real difference in the lives of Americans. Stem cells offer remarkable potential contributions to medical science and improve the lives of millions of people who suffer from incurable diseases such as juvenile diabetes, Alzheimer's, Parkinson's, AIDS, and spinal cord injuries. It may also help us to understand abnormal cell growth that occurs in cancer, as well as change the way we develop drugs and test them for safety and potential efficacy.

Recent research at Wake Forest University has shown that stem cells obtained from amniotic fluid have been able to differentiate into several cell types. This is an exciting development, but we cannot stop there. According to the study's director, Dr. Anthony Atala, it is essential to expand embryonic stem cell research, which is why he supports H.R. 3. Attached is Dr. Atala's letter in support of this important bill. In addition, I also submit an edited version of patient advocate, Peter Morton's valuable and powerful testimony to the need for this critical research.

It is imperative that we move our health care policy in a new direction and support efforts to improve the quality of life. This research is supported by 72 percent of Americans and the majority of the Congress. H.R. 3 is supported by over 200 patient groups, universities, and scientific societies, and has been endorsed by more than 75 national and local newspapers and eighty Nobel Laureates.

It is time to stop making policies based on ideology. The American people have spoken, and we can no longer delay the implementation of this vital legislation. I urge my colleagues to join me in supporting H.R. 3.

WAKE FOREST INSTITUTE FOR
REGENERATIVE MEDICINE,
Winston-Salem, NC, January 8, 2007.

Hon. DIANA DEGETTE,
Hon. MICHAEL CASTLE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES DEGETTE AND CASTLE: I am writing in regard to my research that was published in Nature Biotechnology that found that stem cells obtained from amniotic fluid have been able to differentiate into several cell types. This research has the potential to open up an important field of inquiry that could be critically important to the development of treatments within the field of regenerative medicine.

I understand that some may be interpreting my research as a substitute for the need to pursue other forms of regenerative medicine therapies, such as those involving embryonic stem cells. I disagree with that assertion. It is very possible that research involving embryonic stem cells will have critical implications for advancing research into amniotic fluid stem cells. It is essential that National Institute of Health-funded researchers are able to fully pursue embryonic stem cell research as a complement to research into other forms of stem cells.

Your legislation, the Stem Cell Research Enhancement Act of 2007, H.R. 3, would update the current federal embryonic stem cell policy and allow federally funded researchers to conduct research on an expanded set of embryonic stem cells within an ethical framework. I believe this legislation would speed science in the regenerative medicine field, and I support its passage.

Sincerely,

ANTHONY ATALA,
Director.

EMBRYONIC STEM CELL RESEARCH
TESTIMONIAL

Like more than 250,000 Americans, I am paralyzed from a spinal cord injury.

I've been paralyzed from neck down and ventilator dependent since a bike riding accident in 1995. I wasn't going fast and the trail wasn't difficult. Likely due to some mud on the trail, my front tire slipped, and in an instant I was on the ground with a broken neck, paralyzed and unable to breathe. If not for quick action by my brother, I would not have survived. That day, I lost the lottery. Tomorrow, it could just as easily be you.

When I awoke the next day in the hospital, I couldn't move, I couldn't feel, my head was in traction, and I had tubes in my nose and mouth. All I could do was blink. In an instant I had lost all my cherished independence, having to rely on others for everything from simply a drink of water to all the indignities of one's morning routine.

Most people understand that paralysis means you can't move. What they don't realize is that it also means you can't feel. Further, all the body's systems are affected, causing temperature and blood pressure instability as well as sexual, bowel, and bladder dysfunction. In spite of all this, do you know what the toughest part for me is now? . . . not being able to touch my kids.

Now, more than any other time in history, there is hope. Embryonic stem cells hold the possibility of replacing the cells killed by the injury. Very promising studies are being performed around the world that demonstrate the potential of embryonic stem cells to solve paralysis and many other devastating illnesses. For humanitarian reasons, we simply must pursue this potential.

There is one other point that must be made. I cut my teeth in the business world. When I was injured, I was the CFO of a major

brokerage operations company. In addition to their humanitarian benefit, stem cells have the potential to be the next medical industrial revolution. America has always been the leader in medical technology. Minnesota in particular has been called Medical Alley. America and Minnesota need to be leading the way in stem cell research, not sitting on the sidelines, watching the rest of the world pass us by.

In closing, let me offer this: A generation ago, pioneers in medical research developed in vitro fertilization, a technique that has now enabled my wife and me to have two beautiful children. My kids are living examples of the power of medical research.

I do not support slowing down the discoveries this research offers to millions, and allowing other countries to surpass America's leadership in medical technology.

That's why I am speaking out now, for the next generation. I don't want my children or anybody else's children to be told one day, "You are paralyzed, and will never move again."

I support those who champion this important research and thank them for helping change the future.

COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. RUSH. Madam Speaker, I rise today to voice my strong support for H.R. 5, the College Student Relief Act.

This important piece of legislation will make it easier for all students to attend college, and help reduce the burden on middle class families struggling to give their children a chance for a greater future with more opportunities.

Madam Speaker, if education is truly a priority of this country and this government, then let us act now and put our money where our mouth is. There is nothing more important to the future of this country than providing all of our children with a great education, and preparing them for a world which they will someday be required to lead.

Providing our children with the opportunity to receive an affordable college education is a legacy we can all be proud of, and is one that can define this 110th Congress in the most positive light.

At a time when college education is continually skyrocketing and middle and lower class families are seeing their budgets being constantly squeezed, lowering the interest rates on college loans will help those who need it most in our society.

Though some will say that the American economy has been booming over the last few years, and they will point to record increases in profits, salaries, and bonuses as proof, unfortunately Madam Speaker, many Americans have been left out of this great wealth and prosperity.

Today, we have an opportunity to help all Americans. By enacting this bill we are extending the opportunity for a brighter future through education to all sectors and classes of our society. American families need this bill. America needs this bill.

According to the Congressional Advisory Committee on Student Financial Assistance,

increased college costs will prevent over 4.4 million high school graduates from entering a four-year public institution over the next decade. I repeat, over 4.4 million, students will be unable to afford a quality college education over the next decade, Madam Speaker.

This restriction on higher education will not only hurt students and families, but it will have a devastating effect on our country as a whole.

At a time when the global economy is becoming more competitive and America's dominance in the fields of science, math, engineering, and technology is being challenged by countries all over the world, we need to be providing more opportunity to our best and brightest students, and give those who have been stuck in the generational cycles of poverty and despair, a chance to improve their life situations, and give their families opportunities that have eluded them in the past.

By the year 2020, according to the American Youth Policy Forum, the United States will be facing a dire shortage of college-educated workers that threatens our entire economy.

Madam Speaker we must act now to confront this threat. I urge all of my colleagues to join me in supporting this bill with bipartisan support, because doing so makes sense, and failure to do so will lead to consequences down the road that will affect our entire economy and way of life.

MOURNING THE LOSS OF THOMAS G. LYONS

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. EMANUEL. Madam Speaker, I rise today to honor the memory of my friend Tom Lyons, and I offer my deepest condolences to his family after his passing at the age of 75. Tom was a dedicated public servant who touched many lives and consistently rose to any challenge that came his way.

Thomas G. Lyons was born in Chicago in 1931, and he served his country honorably throughout his life. As a student at Loyola University of Chicago's School of Law, Mr. Lyons enlisted in the Army, where he rose to the rank of Captain in the Army Rangers, garnering recognition for his leadership and spirit.

Mr. Lyons took his lessons from Law School and the Army to his service as a litigator for the Cook County Assessor's Office, and later for the Illinois Attorney General's Office.

In 1964, Mr. Lyons successfully ran for a seat in the Illinois State Senate, where he would ascend to the Chairmanship of the State Senate Appropriations Committee.

In 1990, Mr. Lyons was elected to the Chairmanship of the Cook County Democratic Party, where he was its proud steward and a strong presence for seventeen years until his passing. During this period, Tom served with devotion and humility, always willing to lend a hand to any candidate, regardless of the scope or influence of the particular office.

In 1994, Tom was the recipient of an executive appointment by President Clinton to the American Battle Monuments Commission, in recognition of his years of service to our Nation and our military.

For over 40 years, Mr. Lyons dedicated his life to our Nation with steadfast dedication, humility, and geniality. In his home of Cook County, Tom's legacy of leadership will remain for years to come. Mr. Lyons is succeeded by his wife, Ruth, his three children, Alexandra, Rachel, and Thomas, and his eight grandchildren. I extend my deepest condolences and gratitude to the family of Mr. Lyons. We will miss him.

ESSAY BY MR. ANDREW O'ROUKE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. VISCLOSKY. Madam Speaker, it is my distinct pleasure to congratulate Mr. Andrew O'Rourke for his articulate essay on the impact of the recent mid-term elections on the current U.S. policy in Iraq. Andrew is a 20-year-old sophomore at the University of Marquette, where his studies have focused on communications, business, and political science courses. His hard work in school has resulted in good grades, and he plans on attending law school after graduation. I am truly impressed by his insights, as well as the quality of his work.

Andrew's essay encapsulates much of the frustration with America's direction that has been felt by my constituents in the First District of Indiana. His essay also expresses the desire for positive change in America. Andrew compels his readers to think hard about what this country means to them. He writes of the pitfalls of shortsightedness in foreign policy, as well as the importance of protecting our civil liberties here at home. Finally, he calls on the need for bipartisanship in order to form a strong-willed consensus for the road ahead.

Madam Speaker, Andrew O'Rourke is an example of the great potential exhibited by the young people of northwest Indiana. Below, you will find the text of his essay, which I would like to have included in the CONGRESSIONAL RECORD. At this time, I ask that you and all of my distinguished colleagues join me in commending Andrew O'Rourke for his well-written essay. I wish him continued success in all his endeavors.

While Democrats are better equipped now to make some difference in President Bush's foreign policy, no force will be able to influence the President more than a united Republican thrust in favor of U.S. troop withdrawal.

President Bush has proved rather stubborn on the subject of his foreign policy, specifically the aspects of said policy pertaining to Iraq and well, the entire Middle East in general. Despite the sweeping restructuring of the House and Senate during the mid-term elections, President Bush appears still to have no intent on altering the current policy in Iraq. An excerpt from a recent New York Times editorial summarizes my argument quite well. The like-minded author of this article believes that the President, "for all of his professed pipe dreams about democracy in the Middle East, refuses to surrender to democracy's verdict at home."

It seems an indictment of our system, supposedly the best in the world, that a mid-term election could serve the umbrella purpose of a referendum on one specifically controversial and pivotal policy, only to have

the said election results have absolutely no effect on the policy. That does not fit the definition of representative democracy I was raised to believe in since grade school. Elected officials do not possess the right to represent the people when and if they chose, as though they know best. We do not live under a benevolent dictator, where the power of decision is placed in the hands of a ruler whom we must trust to make a conclusion we are otherwise deemed incapable of making ourselves. Nor do we live in a country where the wealthy elite enjoy all of the authority, sending young men and women of the poor and middle classes off to become maimed Purple Heart veterans and dead Medal of Honor heroes, fighting in an utterly fruitless quagmire of a war. Especially of late however, the aforementioned possibilities seem likely explanations for the current shameful, stubborn, and painfully simplistic foreign policy utilized by our great nation, with its outrageously gigantic economy, technologically superior mechanized army, and not to forget, insatiable thirst for pure, unadulterated, according-to-hoyle victory. Although many would love to believe such a naive, black-and-white definition of victory, sadly like most things in this world it is not that simple. Victory is a word that, for every conceivable variable, from the largest, most holy mosque destroyed by American artillery fire to the youngest Iraqi girl whose parents were brutally murdered by either a Sunni or Shiite death squad, has numerous definitions. You cannot limit yourself to one characterization of what victory is, for that is a direct route to complete failure and disappointment, as we see everyday on CNN, when we are told the story of another Joe Everyman 21-year-old private-first class from anywhere USA who was killed on a humvee patrol mission aimed at securing the other ninety-five percent of Iraq not secured over three years ago when we triumphantly declared mission accomplished, and were immediately showered with flowers by the Iraqi people. And to those within this country who believe that to withdraw will be a crushing blow against American pride and standing in the world, expound such blind patriotism when it is your son or daughter walking the streets of Baghdad with no idea whether the next street corner will be populated by a nearly invisible IED, exactly like those that have crippled so many young, promise-filled Americans, or one of the many deceptively well-hidden snipers who make steady sport of firing potshots from a spire outside of an untouchably holy Mosque, hitting our young men and women when they least expect it. It is for these American heroes that I, along with most Americans must hope President Bush's current policy is a success.

Because I know in my heart of hearts that this administration is too prideful to consider taking a hint from the American people, or the 9/11 Commission, or the Iraq Study Group, I am forced to cheer for any alternative to the current policy of "stay the course" while simultaneously hoping that the abovementioned "course staying" rises like the Phoenix from the ashes and succeeds. If Mr. Bush's strategy is a success, which it appears as though, barring some unforeseen circumstance, it most definitely will not be, it will be a victory for the American fighting man and woman, because until the next pre-emptive war, they will be safe. But will the next be somewhere in Asia, Northern Africa, or most likely the Middle East yet again? Iran and Syria both seem hell bent on becoming America's Tour of the Arab World stops two and three.

Most likely it will take Republican pressure and lots of it to revise in any way the single-minded policy of this administration. Nevertheless, it is a heartrending day for de-

mocracy when the resounding message of the American people is deemed secondary to the egocentric and stubborn strategy of a few white men (and black woman) who call a giant, white, house on Pennsylvania Avenue in Washington D.C. their office.

To reiterate an earlier point, the leaders of this nation are not free to choose what is in our best interest, when we the people have clearly and resoundingly spoken against the current ideals and strategies. The current policy quite simply costs too many Americans and Iraqis their lives without a foreseeable goal or proverbial light at the end of the tunnel. Rather, they have a solemn obligation to represent the views of the people of this country. But who knows? Maybe a benevolent dictator would make things a whole lot easier for most people in this country. Who likes freedom anyways?

TRIBUTE TO GIFFORD CARL RAMSEY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. MEEK of Florida. Madam Speaker, I rise today to pay tribute to the late Gifford Carl Ramsey, a fellow trooper and colleague in the Florida Highway Patrol. He died on January 10, 2007—a victim of cancer—and will be buried this Saturday, January 20, 2007, at Glendale Baptist Church in Miami-Dade County's Richmond Heights community.

Born on January 16, 1959, to Gifford and Agatha Ramsey, he was affectionately called "Spanky" by those of his closest friends and teammates, who played on the football team at Florida A&M University. Awarded a full athletic scholarship, he led the Rattlers on the gridiron by winning two consecutive national football titles in 1977 and 1978, and was honored as Division I-AA and Black College All-American.

Ever since I have known Trooper Ramsey as a member of the Florida Highway Patrol's 66th Recruit Class of 1982, he eminently served above and beyond the call of duty until his promotion to Sergeant in July 2006. He also volunteered as chaplain of the National Black State Trooper's Coalition and became the vice president of the Florida Coalition of Black State Troopers.

Responding to an inner calling of consecrating his life to the service of God, he affirmed his vocation by accepting Jesus Christ as his personal Savior in 1988 and joined the congregation of Glendale Missionary Baptist Church under the tutelage of the late Reverend Joseph Coats, Sr. On January 20, 1993, he met his future wife, Lisa Smith of Philadelphia, PA, and married her a year later on July 9, 1994. Two children, Jarrett and Jayla, were born out of this happy union. Thereupon, he and his wife became partners in God's Vineyard, and in 2001, Trooper Gifford "Spanky" Ramsey was ordained a Deacon of Glendale Baptist Church.

Blessed with an unenviable commonsense approach to life, he was also imbued with the rare wisdom of recognizing the strengths and limitations of the members of his congregation and those he served. Trooper Ramsey went about the duties of his profession, and he also became a missionary at home and abroad, serving a short-term tenure in Cape Town, South Africa.

Trooper and Deacon Ramsey was my good friend, and I am deeply saddened by his passing. He was my mentor ever since I became a trooper in the Florida Highway Patrol in 1989. Indeed, he will be an indelible reminder of the noble commitment of public service, and the awesome power of his religious vocation to minister to the youth under the aegis of programs such as the Juvenile Justice Center Read Aloud Program, the Governor's Mentoring Initiative, Special Olympics Fundraising Events, Child Passenger Safety Details in both Miami-Dade and Monroe Counties. His faith was deep and genuine, and his love for Glendale Baptist Church defined his dynamic friendship and understanding. No one who knew Trooper "Spanky"—and being struck by his sunny disposition and optimism—went away not acknowledging the presence of a caring community leader.

Like the God he faithfully served during the remaining years of his life, this trooper and gentleman came and lived among us that we may have life and have hope more abundantly. True to his faith, Reverend Ramsey would urge us to believe that his death does not represent an irrevocable finality, and he would assure us that he will live on in the good deeds he left behind. Indeed, no life could be more revered for having fulfilled his vocation as God's faithful steward. I will cherish the wonderful memories I have of his magnificent friendship.

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act. I am proud to be a cosponsor of H.R. 4, and I congratulate Speaker PELOSI and Majority Leader HOYER for keeping their promise to the American people by taking this important step to place access to quality care for America's seniors and fiscal responsibility for taxpayers over increasing corporate profits.

The Republican Medicare Modernization Act of 2003 included an unprecedented provision outright prohibiting the Federal Government from negotiating for lower prescription drug prices. The result was predictable. Drug company profits soared, while drug prices increased for seniors and persons with disabilities. A July 2006 New York Times article reported that pharmaceutical companies may have received a more than \$2 billion windfall last year as a result of the transfer of low-income Medicaid recipients into the Medicare Part D program. Profiting from the sale of medications for our most vulnerable citizens is unacceptable.

H.R. 4 will require the Department of Health and Human Services, HHS, to negotiate for lower drug prices on behalf of Medicare beneficiaries. This legislation does not say how the negotiating authority should be implemented, but instead allows the Secretary of Health and Human Services to determine the best way to negotiate for the lowest prices.

I have held several town halls in my district about Medicare Part D, and each time my

constituents have clearly stated that a ban on negotiating for lower prescription drug costs makes no sense. H.R. 4 is supported by community pharmacists, AARP, consumer rights' groups, and dozens of other organizations. Additionally, negotiating for lower prescription drug costs is not a new idea. States, corporations, the Department of Veterans Affairs, and large pharmacy chains all negotiate to receive price discounts on prescription drugs. In fact, HHS already has experience negotiating for lower prescription drug costs. In 2001, the agency successfully negotiated for lower prices for Cipro, the medication used in response to the anthrax attacks. It is time for HHS to use this expertise to benefit America's seniors and persons with disabilities.

Clearly, there is still much more work to be done to correct the many inadequacies of Medicare Part D, but H.R. 4 is an important first step, and one which will result in lower drug costs and real savings for millions of seniors and people with disabilities.

I urge my colleagues to join me in supporting H.R. 4.

HONORING MUHAMMAD ALI ON HIS 65TH BIRTHDAY

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. RUSH. Mr. Speaker, I rise today to wish a very happy birthday to the former heavyweight champion of the world, and the undisputed greatest boxer of all time, Muhammad Ali.

Mr. Speaker, Muhammad Ali never shied away from speaking his mind on issues concerning racial inequality, social injustice and human rights issues, either while he was heavyweight champion, or today, as he continues to be a world leader on these issues.

Since retiring from boxing, Ali has raised over \$50 million for charities here in the U.S. and around the globe, and he has delivered millions in food and medical supplies to countries throughout Africa and Asia.

He has been on international aid missions to Cuba, and he played a key role in getting American hostages released from Iraq before the start of the Persian Gulf war.

Muhammad Ali's penchant for peacemaking was recognized by U.N. Secretary-General Kofi Annan in 1998 when Ali was named a U.N. Messenger of Peace.

While serving at the U.N., he also worked to build the Muhammad Ali Center in his hometown of Louisville, KY, to promote respect, hope and understanding among all people, and which strives to help all individuals realize the greatness within them.

Standing on principle and never casting aspersions on those who challenged his moral convictions, Ali objected to the war in Vietnam, and refused to be inducted into the U.S. Army in 1967.

As a consequence, Ali was indicted for draft evasion, convicted, and was stripped of his boxing title. Eventually Ali was ultimately vindicated in the United States Supreme Court, which overturned his conviction, by a unanimous vote in 1971, but not before losing valuable years of his livelihood and being wrongly

accused of being unpatriotic and disloyal to the country he loved so dearly.

Muhammad Ali would regain his boxing title in 1974, but far more important was the manner in which he wore the mantle of champion.

Mr. Speaker, Muhammad Ali is not only one of the greatest athletes of our time, he has become one of the most recognized and beloved people in the world, and he insists on using his celebrity to help his fellow man and woman.

His athletic prowess made him famous, but it is his heart and good deeds that will have cemented his place in our hearts forever.

Muhammad Ali is a hero in every sense of the world, and we all owe him a debt of gratitude for his role in making America a more conscientious and better country.

MEDICARE PRESCRIPTION DRUG ACT OF 2007

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 4, the Medicare Prescription Drug Negotiation Act. This legislation corrects a grave mistake of the past by striking a provision in the Medicare Modernization Act of 2003 which prohibited the Secretary of Health and Human Services from directly negotiating with pharmaceutical companies. In addition, H.R. 4 explicitly requires the Secretary of Health and Human Services to directly negotiate with the pharmaceutical industry for lower prescription drug prices.

This legislation is necessary because Medicare drug plans have failed to obtain significant price discounts for seniors. In fact, the drug plans' prices are over 60 percent higher than prices for identical drugs in Canada. Requiring the Secretary to negotiate with the drug companies will bring much needed relief to millions of Medicare beneficiaries.

More than 90 percent of Americans agree that the Secretary should be directly negotiating with the pharmaceutical industry.

Unfortunately, the current Secretary has said he does not support the underlying legislation. His predecessor, though, has demonstrated the authority for and efficacy of the HHS Secretary negotiating with the pharmaceutical industry for lower prices. In 2001, former HHS Secretary Tommy Thompson successfully negotiated a reduced price for Cipro. In fact, the Secretary negotiated the price down from \$4.67 to \$1.77 per dose—a reduction of nearly 500 percent. Additionally, when Secretary Thompson resigned his position at HHS, he explicitly stated he wished Congress had given him the power to negotiate with drug manufacturers to secure lower prices for Medicare beneficiaries.

The Medicare Prescription Drug Negotiation Act will save seniors money both at the pharmacy counter and in the form of lower premiums.

Mr. Speaker, I am proud that helping seniors obtain prescription drugs at prices they can afford is part of the Democratic 100 hours plan. I thank the gentlemen from California and Michigan, and the gentlewoman from Missouri for their leadership on this issue, and I

urge my colleagues to join me in voting for H.R. 4, the Medicare Prescription Drug Negotiation Act.

THE ANNIVERSARY OF "BLACK JANUARY" IN AZERBAIJAN

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. FOXX. Madam Speaker, on January 20th, the people of Azerbaijan, both at home and abroad, will commemorate the 16th anniversary of what has become known as Black January. The terrible event remembered by this commemoration was an atrocity—but it also gave birth to a hope that led eventually to independence and freedom.

At around midnight, on the night of January 19–20, 1990, Azerbaijan was invaded by 26,000 Soviet troops pursuant to a state of emergency that had been declared in secret by the Presidium of the Supreme Soviet in Moscow. Dozens of people would be dead in the streets of Baku, Azerbaijan's capital, before the Soviet authorities in Moscow even deigned to acknowledge that a decision had been made to suppress the pro-independence and pro-democracy movement in Azerbaijan.

A courageous resistance by Azerbaijanis to the Soviet invasion continued into February. Eventually, 140 Azerbaijanis were killed, about 700 more were wounded, and still hundreds more were rounded up and detained indefinitely.

The Soviet attack against innocent civilians in Azerbaijan followed massacres in other constituent republics in the then-Soviet Union, including Kazakhstan in 1986 and Georgia in 1989. Tragically, the Azerbaijani experience would be replicated in large part 1 year later in Lithuania.

In a report issued shortly after the tragedy of Black January, Human Rights Watch put the onrush of events into a larger perspective: "... the violence used by the Soviet Army on the night of January 19–20 was so out of proportion to the resistance offered by Azerbaijanis as to constitute an exercise in collective punishment. The punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaijan, but in the other Republics of the Soviet Union."

But brute force was not enough to hold the Soviet Union together.

Indeed, Mr. Speaker, the night of January 19–20, 1990 gave birth to Azerbaijan's independence. It was on that night that Azerbaijanis lost their fear of the Soviet Union. It was on that night that Azerbaijanis realized their dream of independence and freedom could not, and would not, be denied.

On August 30, 1991, in the wake of the attempted coup in the Soviet Union, Azerbaijan declared its independence—one of the first constituent republics to do so. And the last troops from the former Soviet Union were finally removed from Azerbaijani soil in 1993.

Every January 20, as many thousands gather in Martyr's Cemetery in the hills above Baku, the dead are honored and the nation's commitment to independence, democracy, and freedom is renewed. The victims of Black January did not die in vain.

HONORING TOM TEMIN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. Tom Temin for over 17 years of service providing the Federal technology community with unbiased, accurate, and timely information.

Through Mr. Temin's role as executive vice president and editor in chief of Government Computer News, Washington Technology, Defense Systems, Government Leader and other technology publications, he has brought valuable insight and creative journalism to the Federal IT arena.

Under Tom's guidance Government Computer News has become a premier IT magazine providing objective and comprehensive rankings of the usefulness and overall value of technology as it reaches the market. Leaders in the executive branch, both Houses of Congress and the broader technology community have come to consider the editorials he has written for Government Computer News as shrewd and perceptive analysis of the implications of IT trends.

The newspaper's fair and unyielding pursuit of issues showing the flaws and faults in the Federal technology sector has prompted numerous reforms that continue to conserve funds and improve performance for the American taxpayers.

Madam Speaker, in closing, I would like to commend and congratulate Mr. Tom Temin on all of his accomplishments. His tireless efforts have deeply impacted the public discussion of IT issues in the Federal Government, truly meriting recognition. I call upon my colleagues to join me in applauding Tom for his past accomplishments and in wishing him continued success in the years to come.

MEDICARE PRESCRIPTION DRUG NEGOTIATION ACT OF 2007

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mrs. LOWEY. Mr. Speaker, I rise in support of this critical legislation.

The Part D prescription drug plan has caused mass confusion and, unfortunately, provided more in profits to drug companies than savings to seniors.

Private corporations, large pharmacy chains, and individual states all use their bargaining power to secure lower drug prices for the patients they represent. It simply makes no sense that the Department of Health and Human Services is prohibited from negotiating on behalf of millions more seniors.

In fact, a recent study by Families USA found that Medicare beneficiaries pay an average of 58 percent more for the same prescription drugs sold to patients who receive their drugs from the Veterans Department, which can negotiate cheaper prices.

Using the bargaining power of 42 million Medicare enrollees to secure the best drug prices for our seniors could save billions, according to some estimates.

These savings could then be used to begin to close the infamous "doughnut hole" or gaps in coverage that millions of seniors experienced last year and are expected to experience again in 2007.

Allowing the Secretary of Health and Human Services to negotiate prices won't solve all of the problems associated with the drug benefit but it will set us on the right course toward providing our seniors with the comprehensive, affordable drug coverage they deserve.

I urge my colleagues to vote "yes" on this important bill.

A TRIBUTE TO REPRESENTATIVE EDD NYE

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. MCINTYRE. Madam Speaker, I rise today to honor North Carolina Representative Edd Nye and to thank him for more than 30 years of loyal public service to the people of Southeastern North Carolina. Representative Nye began his career in public service by joining the United States Air Force and launched his political career in 1966 as a Bladen County Commissioner. Mr. Nye served one term in the North Carolina State Senate before moving on to the N.C. House of Representatives, where he would go on to serve as a Representative for 30 years. As a loyal and dedicated North Carolina lawmaker, Representative Nye received "Legislator of the Year" awards from numerous advocacy groups, including the Autism Society, the Easter Seals, the Health Directors' Association, and the Mental Health Association. Such distinguished commitment and work are true signs of his dedication to his constituents. Indeed, Representative Nye is a role model for us all.

In addition to his political service, Mr. Nye is also an active member of his community in Bladen County. He has taught Sunday School and served as a deacon at the Elizabethtown Baptist Church. He is a past moderator of the Bladen Baptist Association, a former trustee of both Bladen Community College and Southeastern Mental Health, and an active member of the Bladen Masonic Lodge. Madam Speaker, I commend Edd Nye for his leadership, longevity, and love for the people of Bladen County and North Carolina. He has performed his civic duty with grace, and he has been ever mindful of the people he represents. May God's strength, joy, and peace be with him always.

COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. EMANUEL. Madam Speaker, I rise today in support of H.R. 5, the College Student Relief Act. The rising cost of education is a concern for students and parents across the country. Occasionally, I hold office hours at grocery stores in my district back in Chicago.

Every time people attend to share their concerns my constituents let me know that they are worried about the cost of higher education.

They worry about being able to send their children to college without taking out a new mortgage on their homes or working a second job. They worry about dipping into their retirement savings in order to pay the exorbitant cost of tuition. And they are not only worried, but they are also shocked by the tuition increases from year to year for their children who are already in college.

It is our responsibility to make sure that the price of a college education does not close doors for the future leaders of America. Today we will correct a grave mistake of the past and pass the College Student Relief Act—ensuring those doors never close.

This legislation is long overdue. The last Congress neglected to deal with college affordability—allowing the cost to skyrocket and leaving millions behind in their desire for a higher education. Tuition and fees at public universities have increased by 41 percent since 2001, and interest rates on student loans have risen to record-breaking highs. The maximum Pell grant was frozen in the President's budget for a fourth year in a row. Today, the maximum Pell grant covers only 41 percent of the cost of attending college—about half of what it covered three decades ago.

In my home state of Illinois, the average graduate from a state university leaves with more than \$15,000 in debt. This massive debt limits the choices that graduates can make, and discourages many students from seeking a college education at all.

The College Student Relief Act takes the first step toward correcting this great injustice, providing real relief to students and middle class families by making a college education more affordable and accessible.

A college education should be as universal in the 21st century as a high school education was in the 20th century. This legislation is the first step towards accomplishing that goal.

Madam Speaker, I am proud that helping students with their college loans is part of the Democratic 100 hours plan. I thank the gentleman from California for his leadership on this issue, and I urge my colleagues to join me in voting for H.R. 5, the College Student Relief Act.

PEACE FOR THE MIDDLE EAST

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mrs. DRAKE. Madam Speaker, Secretary of State Condoleezza Rice recently announced that Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas would meet with her to discuss how peace can finally be brought to the Middle East. I am pleased to hear of this three-way meeting and believe a meaningful resolution is long overdue.

Since the year 2000, Israel has demonstrated a willingness to act unilaterally in the name of peace; only to have their enemies respond with more acts of violence. In 2000, Israel withdrew its forces from southern Lebanon, only to be followed by Hezbollah and its missiles. In 2005, Israel unilaterally withdrew

from Gaza, only to be replaced by the militant wing of the Hamas party. These are just two examples of the terrorism the Israeli people have experienced over time.

Madam Speaker, there will be no peace in the Middle East so long as these terrorist organizations insist on the destruction of Israel. There will be no peace, until Hamas agrees to curtail acts of violence and aggression and show that they are willing to work toward a two-state solution.

More importantly, there will be no peace in the Middle East until the world community speaks out against terrorism with one voice. And, when a world leader sways from this commitment, we take one step back.

Madam Speaker, we took one step back from reaching peace in the Middle East when former President Jimmy Carter published his book, *Palestine: Peace Not Apartheid*. In his book, Mr. Carter puts the onus for Middle East peace on Israel, stating that it is Israel who is keeping peace from occurring in the Middle East. I strongly disagree with this analysis.

I was recently contacted by one of my constituents in Virginia Beach about this book. Rabbi Israel Zoberman, the founding rabbi and spiritual leader of Congregation Beth Chaverim, wrote:

How disappointing that the distinguished author of *Palestine: Peace Not Apartheid*, Jimmy Carter, who served as the 38th President of the United States, has written a book that fails to promote the very goal of peace which he is no doubt committed to. In fact, the title bluntly suggests along with the very essence of the narrative that Israel's policy vis-a-vis the Palestinians in the West Bank and Gaza is the core obstacle to the elusive peace. President Carter thus fails as the honest broker he proudly was when sponsoring the 1979 Israel-Egypt peace treaty.

The mere suggestion of practiced apartheid by Israel is inflammatory enough in alluding to South Africa's overthrown policy. Thus, the book's title with the word "apartheid" in it and the cover's photo of the controversial security barrier, which are surely designed for sales' purposes, are irresponsible . . . To speak of Hezbollah and Hamas as if they were representing freedom fighters only seeking to remove Israel from the occupied territories is unfortunately not so. The means employed by the terrorists disregard civilian lives by using their own women and children as human shields.

Madam Speaker, in August 2005, I had the privilege of visiting Israel. It was truly a life-changing experience which helped put into perspective the crisis facing this generation of Israelis. Every generation is confronted with a moment of truth. We are at that moment now. Our duty as responsible statesmen and world leaders is to promote dialogue and action so that all families, whether they are Israeli or Palestinian can live without fear.

TRIBUTE TO AUDREY C. RUST,
PRESIDENT OF THE PENINSULA
OPEN SPACE TRUST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to Audrey C. Rust, who is celebrating her 20th anniversary of leadership at the Peninsula Open Space Trust, POST.

Ms. Rust is a graduate of the University of Connecticut, and prior to joining the Peninsula Open Space Trust as its executive director in 1987, served as the director of development and membership for the Sierra Club. She also directed West Coast capital giving programs for Yale University and served in a variety of development capacities for Stanford University. She has also served as a member of the board of directors of the Land Trust Alliance and the League of Conservation Voters in Washington, DC.

Under her leadership, POST has worked effectively through public-private partnerships to acquire and protect over 50,000 acres of land on the San Francisco peninsula. These lands have become parts of the National Park System, the National Wildlife Refuge System, California State Parks, county and city parks, regional open space preserves and private farmland. Ms. Rust's vision helped bring POST to the national stage and on multiple occasions Congress has voted to support her efforts by providing funds for public land purchases and the adoption of POST lands into national areas of conservation. I am particularly proud of our work together on the acquisition of the Phleger estate, now part of the Golden Gate National Recreation Area, and Bair Island, now part of the Don Edwards San Francisco Bay National Wildlife Refuge.

Ms. Rust's work on land conservation is nationally recognized. She has received the League of California Voters Environmental Leadership Award, the Times Mirror-Chevron National Conservationist of the Year Award; the Cynthia Pratt Laughlin Medal, the Garden Club of America's top environmental honor, and the Jacqueline Kennedy Award from John F. Kennedy University.

There are few who embody the commitment to conservation and our collective future as Ms. Rust does. In POST's most recent Annual Report, Ms. Rust wrote:

Open space defines our sense of place on the Peninsula, and it is worth saving, because it is where we as humans touch mysteries that last long after we are gone. It is the best gift we can pass down to those who follow us, because it connects us to our past and our future, allowing us to share a communal memory of what it's like to live in this extraordinary place. By setting aside land for permanent protection, we declare to the future, "This is what we value; this is what we deem precious."

Madam Speaker, I ask my colleagues to join me in paying tribute to Audrey Rust whose 20 years at POST have benefitted millions of Americans and millions more to come. She is an exceptional leader, a powerful voice for conservation, and a great American.

MEDICARE PRESCRIPTION DRUG NEGOTIATION ACT OF 2007

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of this bipartisan bill, H.R. 4, the Medicare Prescription Drug Negotiation Act of 2007. This quality, sound bill enjoys support not only from Members from both side of the aisle, but also from the

National Committee to Preserve Social Security and Medicare, the Consumer's Union, the AFL-CIO and Families USA. Most important, the majority of Americans are in favor of the principles set forth in this bill.

For generations, among Democrats' top priorities has been to make healthcare more affordable for all Americans. I stand here today, as an exceedingly proud cosponsor of this bill that will take steps toward accomplishing just this. H.R. 4 fights for what is fair and right for our Nation's seniors, and fixes the Medicare prescription drug program as we know it today.

The current prescription drug plan has kept costs high and created needless confusion for the 22.5 million seniors who chose to enroll in Medicare Part D. This number doesn't even begin to contemplate the millions who did not enroll, perhaps because of the complexity of the benefit.

The present Medicare Part D forbids the government from negotiating affordable drug prices at the expense and well being of our seniors. So, while big companies like WalMart receive deals on prescription drugs, the American people can not. According to findings from Families USA, the law's current ban on bargaining for lower drug prices had caused seniors on Medicare to pay significantly more for their drugs.

The history behind the current defective drug plan, introduced by Republicans in 2003, was one of the most corruptive abuses of the legislative process in all of our lifetimes. In the middle of the night, while most Americans were sleeping, Republicans snuck this bill in, loaded with giveaways for the drug and insurance companies. And using their signature scare tactics, the Republican leadership bullied the rest of their party to pass this bill after holding a 15 minute vote open for 3 hours!

Mr. Speaker, such an abuse of legislative power is immoral and wrong. I am pleased to say that such abuse ended when Democrats took up the gavel.

With Democrats in the driver's seat, seniors across America will be a part of new drug plan. A drug plan that will be tailored to America's seniors—and not the big drug companies who are now reporting record profits.

The current Medicare Prescription drug program is not the best we can do for our seniors. Improvement clearly needed to be made to Medicare Part D, to make it more affordable and fair for its beneficiaries.

The comprehensive and affordable plan being passed today is an important step forward toward alleviating seniors' prescription drug price concerns. The bill repeals the provision that bans the Secretary of Health and Human Services (HHS) from negotiating with drug companies for lower prices, and instead requires the Secretary to develop a workable negotiation process to secure affordable drug prices. Now, for instance, where private plans have failed to rein in outrageous drug prices, the Secretary will be allowed to use his bargaining power with the drug companies.

Contrary to Republicans' claim that this bill would destroy the free market system, today's New York Times editorial page notes that, the bill "is sufficiently flexible to allow older Americans to benefit from the best efforts of both the government and the private drug plans."

Moreover, by requiring Medicare to negotiate rates with drug companies, the leftover

funds can be used to fill in beneficiaries' coverage gap. Reducing the gap, known as the doughnut hole, would lower those beneficiaries' out of pocket costs.

But this bill, while imperative and necessary, is only the first step towards improving the Medicare system.

Our seniors deserve a real comprehensive prescription drug plan; one that will be simpler, cheaper, more reliable, and with less "holes" than the former devastating plan.

My fellow Democrats don't merely have a 100-hour plan to fix the rising costs of prescription drugs. We have a long-term agenda on how to fix our Nation's health care system. And we are ready to work with the President and Republicans in Congress to provide true relief and real choices for all Americans.

A TRIBUTE TO CPO BRETT D.
MYLES

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. ANDREWS. Madam Speaker, it is my honor today to announce that Brett D. Myles has been promoted to the rank of Chief Petty Officer of the United States Naval Sea Cadet Corps. Family and friends of CPO Myles will gather on the battleship *New Jersey* on Saturday, January 21, to honor this outstanding young man.

In order to achieve this high rank, CPO Myles had to complete many months of intensive training as well as a broad range of U.S. Navy courses. Throughout his service, Chief Petty Officer Myles displayed superior qualities of patriotism, leadership, and expertise. He should be very proud of his achievement: Less than 1/2 of 1% of the almost 10,000 Naval Sea Cadets in the program succeed in attaining this rank.

Madam Speaker, it is my pleasure to honor CPO Myles for his outstanding achievement. He is truly an inspiration to all U.S. Naval Sea Cadets and to all citizens of this great Nation. I want to again congratulate CPO Myles for this achievement and I wish him the best of luck in the future.

TRIBUTE TO RICHARD S.
WOODWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor a fellow Californian who has had a long and distinguished career as a political consultant while setting extremely high standards of quality and integrity. For more than 35 years, Richard S. Woodward has guided his political consulting firm to a stunning 98 percent winning record while taking on some of the toughest, seemingly impossible ballot measure campaigns.

Two of America's great institutions helped prepare Mr. Woodward for the future. The United States Marine Corps demanded toughness and a steadfast approach. Graduating from Stanford University required a sharp,

agile and inquisitive mind that could apply varied pieces of information to solving problems.

Mr. Woodward raced up the political ladder from legislative staffer to political director. In 1971 he teamed with the dean of the California state capitol press corps, the late Jack McDowell, to form a new consulting firm. It wasn't long before Woodward & McDowell focused solely on that most Californian of election efforts: the ballot measure campaign. Mr. Woodward basically wrote the book on proposition campaigns: Known for his strategic mind, Mr. Woodward has often led his team to victory when early polls showed the other side started with the sentiment of two-thirds or more of the voters. Even with the demands of campaign after campaign, Mr. Woodward and his wife, Mary, have raised two fine sons, Brendan and Ryan.

On February 20, the American Association of Political Consultants will meet in Miami. One order of business will be to honor the former president and chairman of the bipartisan organization, Richard S. Woodward, with the lifetime achievement award.

Madam Speaker, please join me in commending Mr. Woodward for a job well done and wishing him the best of luck and health as he continues setting the standard.

TRIBUTE TO HENRY LEROY
CLARKE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. GEORGE MILLER of California. Madam Speaker, with a heavy heart, I rise to pay tribute to the life of former General Manager and founder of the Public Employees Union, Local No. 1, Henry LeRoy Clarke who died on January 4, 2007. For more than 38 years, Henry Clarke dedicated his life to improving working conditions for thousands of public employees in the Contra Costa County community. As General Manager, Mr. Clarke was a strong advocate on behalf of union members, transforming the political landscape from one that was highly adverse to organized labor to one that promotes mutual respect between administration and employees.

Henry Clark was born on March 10, 1923, in Denver, Colorado, to a family of seven children. During the depression, Henry moved with his family to Chico, California, to prosper in farming. He graduated from Chico High as Student Body President, and soon after entered WWII to serve in General George Patton's army in Europe. After the war, Henry returned to Chico, where he was named All Western Conference Tackle while playing for Chico State. He transferred to the University of California, Berkeley in 1948 to play football under legendary coach Lynn "Pappy" Waldorf and study labor, economics, and politics. Although Henry was only a young student, he helped organize the food service workers at Cal into one of the first unions in the U.C. system.

Upon graduating with honors from the University of California, Henry became a history teacher in the Napa public schools where he met his lovely wife Maureen. He only taught for 2 years before the school district fired him for none other than trying to form a teachers'

union. From that moment on, Henry dedicated himself to the causes of organizing labor. He became the first full-time executive secretary of the California Federation of Teachers, and soon after the western representative of the American Federation of Teachers. In this position, Henry helped direct the largest collective bargaining election of teachers in the United States during the New York City teacher strikes of 1961 and 1962.

In 1962, Henry took on the job of General Manager for the Contra Costa County Employees Association, a title he would hold for the next 38 years. In 1968, he founded the independent Public Employees Union, Local No. 1, which many county employees joined in order to avoid a passive international union. Henry formed the union based upon fierce democratic principles, providing each member access and a voice in the governance of the union. Under Henry's visionary leadership, Local No. 1 grew from 632 members into a model for controlled unions everywhere achieving a current membership of over 15,000, which includes public employees from Northern California's counties, cities, school districts, and special districts. Henry represented these employees with vigor until his retirement in 2000.

Henry Clarke spent over four decades standing up for the rights of workers in Contra Costa County. He was a true public servant who understood the process of social justice.

To Henry's son and daughter-in-law, Cameron and Ellen Clark, and his grandson, Henry Wallace, I extend my heartfelt condolences. Your loss is shared not only by those who knew Henry personally but also by all those who have been touched by the work he has done. We will be forever grateful for the integrity, passion and determination with which he sought to make our country's work environment fair and safe for all.

TRIBUTE TO SONJA LILLIAN
MACYS

HON. RAUL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to take the opportunity to honor an environmental leader who has made an indelible mark on the Sonoran Desert region and on the community of Tucson, Arizona. Five years ago, Sonja Lillian Macys came to Tucson and took the town by storm. As an undergraduate, Sonja had mastered the Spanish language in 6 months and lived and worked in Mexico, promoting environmental education and ecotourism. Originally from the horse country of Virginia, she came to Tucson by way of Colorado, where she had skied her way to a Master of Science degree in Protected Area Management specializing in International Conservation, with extensive training in non-profit leadership and management.

Sonja rapidly immersed herself in her new community in the role of the Tucson Audubon Society's Executive Director. Sonja quickly moved to create a broad-based conservation strategy with a significant cross-border element. Sonja's deep commitment to environmental and social justice, sustainability, and public participation soon became Audubon's trademark.

Her contributions to the Southern Arizona community and the U.S.-Mexico borderlands are numerous: creating multi-jurisdictional partnerships to conserve riparian areas and desert landscapes; partnering agencies, conservationists, ranchers, business interests, and students; educating scores of birders and other citizens to become active policy-makers and advisors; protecting critical habitats from devastation wrought by mining, development, overgrazing, and other harmful activities; and creating a community more literate in the articulation of social and environmental justice.

Sonja Macys will leave a legacy that cannot be adequately expressed in words, and gives all of us who have known and worked with her hope that we can truly achieve the goals that we set out to accomplish together. The Tucson community and the wildlife of the Sonoran Desert will sorely miss Ms. Macys, but I have no doubt she will go on to accomplish great things in her future endeavors. I wish her the best of luck.

TRIBUTE TO DANNY VALDEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Danny Valdez on his inauguration as Webb County Judge on January 1, 2007.

Judge Valdez was first elected into office as justice of the peace in May 1982 and has served for nearly 25 years. This inauguration marks the start of his sixth 4-year term with the court in Webb County. Judge Valdez has received numerous awards such as the Community Service Award by LULAC Council No. 12, and the Nuestro Orgullo Award by S.C.A.N. due to his passion in working with at-risk youth in the community, and addressing issues such as truancy, gang violence, drug abuse, teen pregnancy, and juvenile delinquency. He also was recognized for his commitment to the rule of law by the Laredo Bar Association with the Liberty Bell Award and the 2005 Hispanic of the Year Award by LULAC Council No. 7.

Aside from presiding over one of the busiest courts, Judge Valdez is actively involved in community activities such as working with the Texas Department of Criminal Justice Education Program in bringing male and female inmates to local middle and high schools to educate students about the dangers involved in making the wrong choices. He worked with the Lamar Bruni Vergara Trust in the development of the Lamar Bruni Vergara Boys' Scout Camp Huisache and was also instrumental in the development of the Lamar Bruni Inner City Recreation Center. Judge Valdez also reached out to low-income families by chairing the Annual Toys for Tejanitos Drive, the Angel Wish Program, and the Annual Fishing Derby for physically challenged students.

Judge Valdez has given out over \$60,000 in scholarships to promising young students from the Laredo Independent School District. He also started the Supply Our Students Campaign that has raised funds for nearly 70 tons of school supplies for low-income students in Webb County. He is truly one of the great Laredoans and it is because of him that the youth in the community have realized their im-

mense potential in creating a new and better future for themselves by learning from the values of Judge Valdez.

Madam Speaker, I am honored to have had this time to recognize the dedication of Judge Danny Valdez to his community.

FREEDOM FOR RAYMUNDO PERDIGÓN BRITO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Raymundo Perdigón Brito, a political prisoner in totalitarian Cuba.

Mr. Perdigón Brito is an independent journalist in Cuba who is striving to create a society that tolerates human rights, freedom, and democracy. He has been a peaceful supporter of bringing the most fundamental of human rights to a people shackled by a tyrant's brutal machinery of repression. Unfortunately, because of his unwavering support of freedom for the people of Cuba Mr. Perdigón Brito has been targeted by the dictatorship.

In November of 2006, Mr. Perdigón, his sister Ana Margarita Perdigón and several other journalists launched the Yayabo Press news agency. On November 29, 2006, just 12 days after its launch, Mr. Perdigón Brito was arrested by State Security thugs and told to cease his journalistic activities or that he would be sent to prison. Mr. Perdigón Brito was always aware of the risks he was taking as a journalist and he was well aware of his many colleagues serving long prison terms in Castro's hellish gulags, yet rather than allow his voice to be silenced, he preferred to fight for the cause of freedom and democracy on that enslaved island.

On December 5, 2006, Mr. Perdigón Brito was "sentenced" to 4 years in the inhuman squalor of Castro's gulags on charges that he posed a "pre-criminal danger to society". A charge often used to detain pro-democracy activists, even when they have committed no offense, simply because the regime regards them a potential threat to its grotesquely brutal and repressive totalitarian control.

In Mr. Perdigón's absence, his sister, Ana Margarita Perdigón, replaced him as Editor of Yayabo Press. This development did not pass unchecked or unnoticed within the inner circles of the regime's henchmen. According to a dissident journalist who spoke to Reporters Without Borders, "The political police knew this and did everything to ensure the news agency is disbanded as soon as possible".

On the morning of December 5, 2006, as Mr. Perdigón Brito's relatives were leaving the courthouse in the central province of Sancti Spiritus, Cuba, nearly 100 regime thugs attacked them viciously. This barbarous and vile hate crime was carried out with such regimented violence that Mr. Perdigón Brito's father was hospitalized due to serious injuries sustained during the attack.

Madam Speaker, it is repulsive that only 90 miles from our shore, brave souls like that of Mr. Perdigón are locked in dungeons because they too believe in the freedoms we hold sacred to our way of life. My colleagues, let us remember those whose suffer under the totali-

tarian nightmare that is the Castro regime. Let us demand the immediate release of Raymundo Perdigón Brito and every prisoner of conscience in the dungeons of totalitarian despots.

TRIBUTE TO MR. TONY HOUSEMAN

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today to honor Mr. Tony Houseman for his continued conservation efforts and his dedicated service to the Houston Safari Club. Tony has been a member of the Houston Safari Club for over twenty years and has served as the Club's Convention Chair in 1996 and the President from 1997–1998. He also has been awarded three distinguished awards from the Houston Safari Club with the 1998 Conservation Award, the 2005 Lifetime Service Award, and the 2007 Frank Green Award.

His tireless leadership has had a positive impact in Texas and across our nation. When Tony and Ray Petty were asked by Congressman Jack Fields to help organize and start the Congressional Sportsmen's Caucus, which I am a proud member, he never hesitated in saying yes. Every year, for ten straight years, they traveled to Washington D.C. to increase the membership and clout of the Caucus and help fight for the rights of the hunter and the hunting community. Now, the Congressional Sportsmen's Caucus has one of the highest memberships and continues to advocate the interests of sportsmen.

Tony also has taken a leadership role in too many projects to list, with notable ones being Operation Bright Lights and the Tony Houseman State Park and Wildlife Management Area. Operation Bright Lights raises funds and works with professional hunters to build schools and water wells in Tanzania, and recently he and his wife Gisela took a trip there and visited one of the newly built schools. For the state park, Tony donated 1,500 acres to conserve the Blue Elbow Swamp in South East Texas. This 3,300 acre conservation site on the Sabine River remains a magical place for wildlife.

Madam Speaker, Tony Houseman is the consummate hunter and conservationist and a friend I deeply admire. Thank you for helping me honor him today.

COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. REYES. Madam Speaker, I rise today in strong support of H.R. 5, a bill that would expand educational opportunity for millions of young Americans by slicing interest rates on federally-subsidized student loans in half.

This fair, well-balanced legislation would open the doors to America's colleges and universities for millions of our sons and daughters who would have otherwise been dissuaded by

the high cost of pursuing a higher education. Among those millions will be young men and women who will be the first in their families to attend college. There will be inventors and innovators, businessmen and women, generals, scientists, leaders of all stripes, and, surely, future members of this body.

At the University of Texas at El Paso (UTEP) in my district, students entering school in 2007 will save \$2,300 on an average debt of \$13,800, and student entering in 2011, when the full interest rate cuts take effect, will save over \$4,400 on the same amount of debt.

These savings would mean the world to my community of El Paso and to Latino communities across the country. This is true because Hispanic students have historically borrowed less on average than other groups, a reluctance that means students are often too busy working for a paycheck to complete their degrees in a timely fashion. The six billion dollars in loan relief we are passing today will mean our kids will have the ability to borrow the money they need to finance their educations and ultimately get the jobs that will allow them prosperous lives.

What we are doing today also has broader significance. It is significant to the strength of our economy and the security of our country. If America is to compete economically with countries like China and India and fill key positions in our national security agencies, we need to start by sending more kids to college. Under current policy, financial barriers will prevent 6.4 million high school graduates from attending college and would cost our economy 12 million college-educated workers by the year 2020. This is a crisis, Madam Speaker. We need to recognize right now that the investments in education we make or choose not to make today will determine our economic future—whether or not our grandchildren and great-grandchildren have high-quality jobs.

College access is an integral part of our competitiveness and security puzzle, because we will not find the answers to the challenges we face as a nation without a well-educated and innovative workforce. The bill we are passing today will make our country a safer and a more prosperous place.

Madam Speaker, I urge my colleagues to pass this bill, and I look forward to continuing this dialogue about the importance of education for national competitiveness and security.

TRIBUTE TO ARTHUR NOZIK,
SARAH KURTZ AND JERRY OLSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize three researchers from the National Renewable Energy Laboratory, the premier national laboratory for renewable energy and energy efficiency research.

The American Chemical Society recently honored Arthur Nozik, a senior research fellow at NREL, with a special tribute of accomplishments in *The Journal of Physical Chemistry B*.

During the past 30 years, Dr. Nozik has earned a leading position in the fields of photoelectrochemistry, semiconductor-mol-

ecule interfaces, nanoscience and quantum size effects in semiconductors and carrier dynamics in semiconductor quantum dots and quantum wells. He has written more than 160 peer-reviewed publications, 35 book chapters and has edited or co-authored several books in these fields.

Dr. Nozik has been awarded 11 U.S. patents. He also invented a novel photochemical diode for splitting water to generate hydrogen, and the identification of several important solar photoconversion approaches using hot carrier effects, size quantization, and superlattice concepts that could, in principle, enable a leap in efficiency of solar energy conversion.

Dr. Nozik, who joined NREL in 1978, received the 2002 Energy Research Award of the Electrochemical Society. He was a senior editor of *The Journal of Physical Chemistry* from 1993–2005 and is a fellow of both the American Physical Society and the American Association for the Advancement of Science.

NREL solar energy researchers Sarah Kurtz and Jerry Olson have spent the past 20 years developing the multi-junction solar cell. These solar cells have demonstrated higher solar energy conversion efficiency than conventional silicon cells and are already the choice for most space applications. For their contributions to the field of photovoltaic energy, Kurtz and Olson have been recognized as laureates of the Dan David Prize, given by the Dan David Foundation in cooperation with Tel Aviv University and the French Ministry of Culture and Communication. They and other winners will share \$3 million in prize money.

The photovoltaics community has made tremendous progress during the last 30 years. In the past few years, the investment in concentrator systems using high-efficiency, multijunction solar cells has mushroomed. Although this investment is not yet reflected by large installations, the Dan David prize recognizes this technology for its future promise to transform energy markets.

I'm enormously proud to have NREL in my district and equally proud of the work of these three scientists.

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2007

Mr. ROTHMAN. Mr. Speaker, I rise in support of H.R. 4, the Medicare Prescription Drug Price Negotiation Act of 2007, because we owe our seniors a drug benefit program that is accessible and affordable. I believe that this legislation brings us one step closer.

My fellow Democrats and I were outraged that the current Medicare Part D drug benefit forces many elderly beneficiaries to choose between their medication and basic needs, such as food and utilities. The health concerns of our elderly Medicare beneficiaries are urgent, and I am proud that we have now passed legislation that will arm the Secretary of the Department of Health and Human Services with an additional tool to address these needs.

The intent of H.R. 4 is to open a path of negotiation of drug prices to remove the burden of affordability from the shoulders of our elder-

ly. This bill should neither tie the hands of private drug plans, nor create unnecessary hurdles for the pharmaceutical companies that develop life-saving medicine. Rather, the intent is to give the Secretary of the Department of Health and Human Services the needed authority to effectively and efficiently offer affordable prices to seniors.

We need Medicare Part D to be a benefit, and not a burden, to our friends and neighbors who use it. The fact that these individuals could get prescription drugs cheaper through Canada, Drugstore.com, or Costco is not only a disservice to Americans who trust Medicare for the healthcare they need—it is not good public policy. Every year, premiums and drug prices rise, and seniors are forced to bear more and more of the cost of their healthcare.

However, we cannot let this bill and its provisions become the tool that kills the goose that lays the golden eggs. The United States is the international leader of pharmaceutical and medical innovation. Every year, we achieve numerous historical breakthroughs in medicine and treatment that improve the quality of life of millions of Americans, due to the research and dedication of our pharmaceutical companies and their tens of thousands of employees. It is because of American innovation that an HIV/AIDS or cancer diagnosis is no longer a death sentence; that an athlete and an amputee can be the same person; and that a child with asthma does not have to stay in after school.

Research and development are costly. Inherent in each pursuit is a great amount of risk. On average, only one out of every 10,000 possible medications successfully makes it through development and Food and Drug Administration approval. It can take more than 15 years and \$800 million to develop just one drug. Congress should not allow any public policy to move forward that would indirectly hinder innovation or advances in medicine. As we make needed improvements in the Medicare Part D plan, we must ensure that scientific advances continue. Therefore, we must balance our encouragement of competition and innovation in the private market with public health.

I believe that with H.R. 4 we are one step closer to answering the needs of our elderly. We have a real chance to provide a more accessible, affordable, and effective drug benefit to our seniors. Americans are living longer, healthier lives than ever before, and it is our duty to ensure that this trend continues.

INTRODUCTION OF THE HOME OWNERSHIP FOR AMERICA'S VETERANS ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Home Ownership for America's Veterans Act of 2007 along with my distinguished colleague from California, Congressman WALLY HERGER.

The Home Ownership for America's Veterans Act of 2007 corrects an inequity in the federal Qualified Veterans Mortgage Bonds (QVMB) program available to a number of states for the purpose of financing home loans

for veterans. Specifically, in some states, QVMBs home loan financing is only available to veterans who signed up for military duty prior to 1977.

It is time we address this inequity. Our veterans returning from Iraq and Afghanistan deserve the opportunity to purchase a home with QVMBs. Further, in our home state of California, only 4.1 percent of our veterans are eligible for a home loan through QVMB bonds.

Our legislation extends the program and opens it up to new veterans residing in California and Texas. Congress passed legislation in the 109th Congress making the home loan program available to newly discharged veterans in the other states eligible for QVMBs financing.

It is crucial that we act swiftly to give these veterans and their families the ability to purchase and own a home in California and Texas.

This legislation will benefit every state eligible for QVMBs by requiring annual adjustments to the federal bond limit indexed to the Freddie Mac Conventional Mortgage Home Price Index. A higher bond limit means California, Texas, Oregon, Wisconsin, and Alaska—the five eligible states—will have the ability to provide more of their veterans with home loans. We must keep QVMB financing compatible with national housing costs.

The Home Ownership for Veterans Act of 2007 will help our newly discharged heroes purchase homes while ensuring that state veterans' home loan programs remain viable.

Thank you very much Madam Speaker for the opportunity to introduce legislation to help veterans purchase homes and achieve the American Dream for their families.

A TRIBUTE TO AL ECHOLS, ESQ.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Al Echols, Esq., a Philadelphia legend who after serving 44 years as the executive director of North City Congress has announced his retirement.

Under the leadership of Mr. Echols, North City Congress has remained a valued institution meeting the changing needs of a changing community in North Philadelphia. During its first decade North City Congress represented a federation of neighborhood organizations committed to positive community change.

North City Congress later became a vital social service agency. Today, the agency operates two senior citizens centers that offer meals, social, recreational and cultural activities and in-home management services for the frail and home-bound. It also offers financial management and estate planning for seniors and fiscal management and technical assistance for community-based organizations.

Mr. Echols, a graduate of Virginia Union University and the Howard University Law School, marshaled his considerable acumen in the struggle to gain political power for African Americans in Philadelphia. In 1971, he was a council-at-large candidate on the Thatcher Longstreth Republican ticket in a hard fought race against Democrat Frank Rizzo.

Known for his wit, Mr. Echols is fiercely opinionated and a political sage with whom one cannot have a brief conversation. Not only does he love to explain the nuances of his points of view he punctuates his conversations with a laugh that can shake the grand mansion that houses North City Congress.

As he retires, Al Echols leaves an indelible stamp of good will, principled leadership and service.

A TRIBUTE TO LARRY SHEINGOLD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. COSTA. Madam Speaker, we rise today to recognize the retirement of Larry Sheingold after thirty-six years of service as a staff member in the California State Legislature.

Larry's years of service included ten years as an Assembly staff member and twenty-six years working for the State Senate. During his career he worked for Assembly Speakers Bob Moretti and Leo McCarthy and several State Senators including Jim Costa, Betty Kamette, Henry Mello and the current Senate President Pro Tem, Don Perata.

In addition, Larry Sheingold served on the National Conference of State Legislatures' Executive Committee from 2003–06. He is one of only nineteen legislative staff members ever to do so.

Though Larry Sheingold may be on the understated side, he has always possessed a giant intellect and is a master of campaign strategies. His advice to candidates and officeholders alike has always been keen, thoughtful and delivered with a quick wit and much humor. Larry is one of those individuals that combine a rare blend of policy expertise and astute political judgment.

Thirty-six years ago, when Larry started his career as a legislative staff member, Ronald Reagan was governor, legislative committee votes were not public and no woman had ever served in the California State Senate. During his career all that has changed and as the invitation to his retirement event stated, "The system may be working, but Larry won't be."

But to paraphrase the late British politician, Lord Salisbury, Larry Sheingold is not the type of gentleman to retire gracefully into the background.

Today, we take great pleasure in honoring, through these remarks, a good friend, a former staff member and a valued advisor, Larry Sheingold. We wish him and his wife Judy only the best of times in retirement, though that may only last until the next election cycle.

COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. PAUL. Madam Speaker, anyone who knows a recent college graduate is well aware of the way many young people struggle to pay

their student loans. By slightly reducing the interest rate on student loans, H.R. 5, while far from perfect, will help ease this burden. A commendable feature of this bill is that, instead of placing new burdens on taxpayers, it pays for the reduction in interest rates by reducing subsidies to financial institutions. Thus, the bill does not increase the deficit, taxes, or the size or scope of government.

All-too-often, government programs, which the taxpaying public believes help lower-income Americans, actually provide government subsidies for politically powerful business interests. For example, in the student loan program under discussion today, taxpayer dollars are provided to financial institutions in return for those institutions agreeing to provide student loans under terms set by the government. By reducing subsidies for financial institutions in order to benefit recent graduates, H.R. 5 takes a step toward ensuring the student loan program actually focuses on helping students and recent graduates, instead of using taxpayer dollars for a disguised form of corporate welfare.

In addition to passing H.R. 5, Congress should also help more Americans afford college by passing my Make College Affordable Act, H.R. 193, that makes college tuition tax deductible. There has been talk of bringing legislation like H.R. 193 to the floor later this year. I hope all my colleagues—regardless of their positions on the bill before us today—can unite behind helping middle- and working-class Americans afford college by supporting my Make College Affordable Act or similar legislation.

PERSONAL EXPLANATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. CALVERT. Madam Speaker, pursuant to my leave of absence, I am submitting for the RECORD how I would have voted if I had been present earlier today, in addition to comments that I request also be entered into the RECORD.

Rollcall #34, "yea"—Motion to Adjourn, rollcall #35, "no"—Ordering the Previous Question, and rollcall #36, "no"—Agreeing to H. Res. 66.

H. Res. 66 is a closed rule that prohibits any amendments to the bill from being considered by the House. Madam Speaker, on November 14, 2006 you wrote in a Christian Science Monitor op-ed that "Democrats pledge to make this the most honest, ethical, and open Congress in history." I am deeply disappointed that past pledges for an open Congress have been broken so quickly with H. Res. 66 and other closed rules imposed by the majority. I believe the People's House operates best when legislation moves through regular order and uses our Committee process where members from both sides of the aisle have an opportunity to work together to improve legislation. Under the new "Closed-door Congress," the House has yet to consider a bill that was moved through regular order and considered by the Committee of jurisdiction. H. Res. 66 establishes the rules for considering H.R. 6, and, as a senior member of the Natural Resources Committee, I have significant

concerns about some of the provisions in H.R. 6. In particular, there are provisions addressing the 1998–99 Clinton Administration OCS leases that are ambiguous and may result in levies on all oil and natural gas lease holders in the Gulf of Mexico, not just the 1998–99 leaseholders. This and other poorly written provisions in H.R. 6 could have been corrected had the legislation been considered by the Natural Resources Committee or had the majority allowed amendments to be considered on the House floor. Unfortunately, the majority's "Closed-door Congress" chose to break its pledge of an "open Congress" and prevented these opportunities to improve the legislation.

Rollcall #37, "no"—On Consideration of H.R. 6, rollcall #38, "yes"—Motion to Recommit H.R. 6, rollcall #39, "no"—Motion to Table the Appeal of the Ruling of the Chair, rollcall #40, "no"—Final Passage of H.R. 6.

H.R. 6 represents the first vote for a tax increase in more than 13 years. I have repeatedly pledged to oppose any and all efforts to increase the marginal income tax rates for individuals and businesses—and I stand by my pledge. The majority has claimed that passage of H.R. 6 will roll-back subsidies to the oil and natural gas industry that Congress passed in the Energy Policy Act of 2005. However, a Congressional Research Service report released in December of 2006 concluded that, on balance, the bill imposes "a net tax increase on the industry of nearly \$300 million over 11 years." Further raising taxes on the oil and natural gas industry will do nothing to help lower the price of gasoline at the pump Americans are paying and, ultimately, increases our country's dependence on foreign sources of oil. Madam Speaker, I am truly stricken by the fact that the new majority has chosen to bring a bill to the House floor during its highly touted first "100 Hours" that will benefit and strengthen the hands of the likes of Hugo Chavez. I oppose H.R. 6 because it will result in job losses, increase the price of gasoline at the pump, increase the cost of heating homes, and increase dependence on foreign sources of oil. I support an energy policy that takes steps to truly reduce America's dependence on foreign sources of oil while our Nation continues to invest and improve the development of renewable sources of energy and energy efficiency.

Rollcall #41, "yes"—Adoption of H. Res. 62—Congratulating the Grand Valley State University Lakers"

COLLEGE STUDENT RELIEF ACT OF 2007

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 17, 2007

Mr. CONYERS. Madam Speaker, I rise in strong support of H.R. 5, the College Student Relief Act. This bill is designed to make college more affordable and accessible by cutting the interest rate on subsidized student loans for undergraduates in half over the next 5 years—from 6.8 percent today to 3.4 percent by 2011. This proposal is targeted on assisting the low- and middle-income students with the most financial need: those who receive subsidized student loans.

Over the last 5 years, the cost of attending college has skyrocketed, putting college out of reach for more and more students in my district and across the country. Tuition and fees at public universities have increased by 41 percent since 2001. In addition to rising tuition and fees, over the last 5 years interest rates on student loans have jumped by almost 2 percentage points, further increasing the cost of college.

According to the Congressional Advisory Committee on Student Financial Assistance, financial barriers will prevent 4.4 million high school graduates from attending a 4-year public college over the next decade, and prevent another 2 million high school graduates from attending any college at all. Madam Speaker, the United States is the richest country in the world. We should be able to educate our young people to the full extent of their ability. Anything less fails not only our students, but our entire nation.

More than ever, the health of our economy rests on having a highly-skilled and well-educated workforce. College access is the key to our remaining strong in the face of an increasingly competitive global economy. Without changes, by the year 2020, the United States is projected to face a shortage of up to 12 million college-educated workers, directly threatening America's economic strength.

Once fully phased in, this bill would save the typical borrower, with \$13,800 in subsidized federal student loan debt, approximately \$4,400 over the life of their loan. Cutting student loan interest rates is supported by a large majority of Americans, including majorities of Republicans, Independents, and Democrats. Furthermore, the bill is fully paid for—meeting all pay-as-you-go requirements.

Madam Speaker, you don't need to be a genius to recognize the critical importance of this legislation. This one should be a no-brainer. Let's pass H.R. 5.

INTRODUCTION OF LEGISLATION "ELIMINATING MODERN DAY SLAVERY"

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. LEE. Madam Speaker, last Thursday, January 11th, along with our civil rights crusader, JOHN LEWIS reintroduced a resolution on the tragedy of modern-day slavery and urging the United States to take immediate steps to end it.

The institution of chattel slavery practiced in the United States for over 200 years was not only a past shame in U.S. history but also world history. Yet, this continues today. Throughout the world, an estimated 27 million people are suffering as slaves including the United States. Each year millions become vulnerable to the resurgence of slavery. People forced to survive with little or no resources fall victim to abuse and exploitation in developing countries whose economies slip further into extreme poverty caused by debt and corruption. Still modern-day slavery is ever more expansive encompassing chattel slavery, human trafficking, indentured or bonded labor, forced labor, forced marriage and the worst forms of child labor.

Slavery is rampant in India, Southeast Asia, Africa, and South America, as well as, once again the United States. In Africa, cash crops such as cotton, sugar, and cocoa are produced by child and bonded labor. The Ivory Coast which supplies over half the world's supply of cocoa utilizes child slave labor in at least 90 percent of the cocoa plantations. Slavery still exists in Sudan, remnants from the North and South civil war. In Myanmar, slave labor harvest agricultural products such as sugarcane. In Eastern Europe and Southeast Asia, human trafficking and forced marriage run unimpeded. Moreover, I am repulsed that an estimated 800,000 people are trafficked across international borders and disturbed that annual global profits on trafficked forced labor total \$44.3 billion.

This is an historic year for many of the victims of slavery and their descendants. 2007 marks the 200th Anniversary of the Abolition of the Transatlantic Slave Trade, the transport of Africans as slaves into the British American colonies. Our country can no longer allow the practice of slavery to continue further in the 21st century. We must take action to address this issue. The solution is one of political resolve not capability, for we have at our disposal numerous means that will eliminate these human rights violations.

My resolution expresses the sense of the House that the abolition of modern-day slavery should:

Become a high priority in U.S. foreign and domestic policy to eliminate all forms of modern-day slavery by 2017;

Reflect and advance the commitment of U.S. trade, aid, and investment policies for the freedom for all people;

Expand protection and legal options for victims of modern-day slavery;

Form a comprehensive coalition between governments, international organizations, non-governmental organizations, and individuals to forge a sustained global action plan to fight modern-day slavery; and

Become a priority at the 2007 Group of 8 (G-8) Summit in Germany.

I welcome my colleagues' support and urge the House Leadership to bring it promptly to the House floor for consideration. This year is the time to mark the end of modern-day slavery for victims worldwide.

A TRIBUTE TO SENATOR PAUL TSONGAS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Mr. MEEHAN. Madam Speaker, I rise today to remember one of my heroes, Paul Tsongas. Paul Tsongas was a great champion of my hometown of Lowell, Massachusetts and an extraordinary American, whose courage and convictions should inspire us all.

It has been ten years since he lost his battle with cancer and ten years since the American people lost one of their greatest public servants.

Paul was one of my early role models and mentors, and I'm honored to follow in his footsteps as the Congressman for the 5th District of Massachusetts.

Born of Greek immigrants, Paul grew up in our joint hometown of Lowell, Massachusetts.

After graduating from Dartmouth College, he became one of the first to answer President John F. Kennedy's call to public service by joining the newly formed Peace Corps. Paul's experience in the Peace Corps would lead him to great heights as a standard-bearer of the Democratic Party.

After his service in the Peace Corps and as a City Councilor in our hometown of Lowell, Paul was elected to the U.S. House of Representatives in 1974. In 1978 he ran and won a seat in the United States Senate where he would serve until 1984 when he retired after being diagnosed with cancer.

Paul loved people and public service. His direct speaking style and heartfelt manner captured the hearts of the nation during his service in the United States Congress and especially during his campaign for President.

As a politician, Paul lived his beliefs. Perhaps Paul's greatest strength was that as a politician he took risks, challenging the tired assumptions about how change should take place.

Paul's vision of what a Democrat can and should be was an inspiration to me and continues to inspire Democrats across the country. Leading by example, Paul expanded the reach of our party and helped shape our promising future.

His leadership forced the debate on dealing with our national debt. At the same time, he reminded us that a Democrat can and should be pro-worker, and pro-family, and also pro-business-pro-employment.

Paul's career as a politician may have been cut short because of his battle with cancer, but his illness never prevented him from fighting for the issues, people, and the city he loved.

In my hometown of Lowell, Paul's fingerprints are all over the remarkable redevelopment and revitalization that has occurred over the past two decades. In the streets of Lowell today, I am constantly reminded of the lessons Paul taught me—that in every community you must preserve that which has meaning and beauty for its users and its visitors.

Paul was a visionary: he envisioned the connection of people to the places where they lived and worked. But more importantly, Paul was a doer: he identified significant community assets and challenged everyone around him to preserve and make visible these deeply felt dreams.

Paul motivated Lowell residents to make these dreams a reality. He didn't stop there. Throughout Massachusetts, he was able to rally similar support. In Concord, the Walden Woods Project preserved the lands and water sanctified by Henry David Thoreau. On Cape Cod, he helped to establish the Cape Cod Commission that is dedicated to protecting critical open space.

As a private citizen, he made significant contributions to education and the environment. Walden Woods, Cape Cod, the Arctic National Wildlife Refuge, the Board of Higher Education all benefited from his leadership and ideas.

And he demonstrated compassion and caring to those who sought comfort and advice on how to deal with life-threatening illness.

I could go on and on about Paul Tsongas, and about how he was an extraordinary individual, but I won't.

I'll close with this—When announcing his presidential candidacy, Paul Tsongas said to his supporters, Just as we reach back to our

ancestors for our fundamental values, so we, as guardians of that legacy, must reach ahead to our children and their children. And we do so with a sense of sacredness in that reaching.

I'll simply say that I'm humbled and honored beyond words to follow in Paul Tsongas, footsteps. He truly devoted himself to making a difference not just for our generation, but for our children and future generations.

My thoughts and prayers go out to Paul's daughters, Ashley, Katina, and Molly; his sisters, Thaleia and Vicki, and especially to his wife, Niki, who continues to champion the issues that Paul spent his life fighting for.

IN TRIBUTE TO THE DISTINGUISHED CAREER OF SERVICE AND PHILANTHROPY OF
WILFRED GEORGE GOODEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to Wilfred George Gooden, a great citizen and patriot, a philanthropist and Good Samaritan. Wilfred Gooden shuffled off the mortal coil and slipped the surly bonds of earth on Saturday, January 6, 2007. He was one month shy of his 75th birthday. More importantly, he was a son, a brother, an uncle, a friend, a neighbor, a servant of God, and a loving husband to his darling Sybil for 57 years.

Madam Speaker, I do not think any of the many people who knew and loved Wilfred Gooden thought that when he returned to his native land of Jamaica in December 2006, that it would have been his last trip from his adopted home in the United States of America? I do not think any of them dreamed that those last fleeting words on the phone or in person would have been their last contact with him before he took his last breath on the Sabbath, January 6, 2007 at the Andrews Memorial Hospital, Kingston, Jamaica, with his faithful wife, Sybil, of 57 years, at his bedside.

Who would have known that the Lord was going to take Wilfred Gooden's hands off the plough and say: "Your work is done, my faithful servant—it's now someone else's turn."

Wilfred Gooden was the last of three sons born to Mr. and Mrs. Gooden in Westmoreland, Jamaica. His parents and brother, Sam predeceased him. Vibert his eldest brother, lives in Atlanta, Georgia. His mother Ethel and stepfather Edburn took care of the family after the death of Wilfred's father. A very close-knit family, Wilfred and his brother telephoned each other and had long chats each day. Even in his last days on earth, Wilfred and his brother Vibert were on the phone.

Brought up in a Christian home, Wilfred was baptized at the Rollington Town Seventh-Day Adventist church, and never forgot his first love—Jesus. His rich baritone voice could be heard in praises as he called his family and all who entered his home to worship morning and evening—wherever he was.

His Christ-like character was seen in his deeds, the way he treated everyone with whom he came in contact—it did not matter their race, ethnicity, gender, religion, political persuasion, title or status; everyone was treated with respect, courtesy and kindness.

In his youth it was not unusual for Wilfred to bring home, unannounced, three or four friends for the weekend who would be warmly received by a generous but sometimes frustrated mother.

In 1944, Wilfred traveled to the United States where he settled in New York City. For many years, he pursued and enjoyed a successful career in mechanical dentistry. Former clients still praise the quality and craftsmanship of his work.

Always on the lookout for new adventures and challenges, Wilfred invested in a brownstone on West 142nd Street, which it needed some repairs. With much enthusiasm, he immediately utilized his knowledge of plumbing as a result of his liberal arts training which required him to learn a trade as a part of degree program and performed the work himself, and in the process launched a new career for himself in housing rehabilitation.

To gain more knowledge about his business, Wilfred attended City College and earned a Certificate in Building Engineering. In 1961, he organized a general contracting company with the basic purpose of renovating existing properties. As owner and builder of multiple dwellings, Wilfred renovated a group of old tenements into two and three bedroom modern, class A apartments. In many areas of New York City, Wilfred has revitalized entire neighborhoods, creating homes that gave and still give each dweller a sense of renewed hope and dignity. As general contractor for Maurel Realty Corporation, he renovated a one hundred apartment complex and for Almeric Realty Corporation, he renovated a fifty apartment complex. Serving in dual capacity as Project Manager and Field Superintendent, he directed every aspect of these massive projects.

Wilfred was appointed by Mayor David Dinkins of the City of New York to work with Roger Starr, Administrator of Housing as consultant to the City's Housing program in urban areas. He reviewed the proposed projects with a vision of minimizing costs and suggested rehabilitation of buildings in the city's most needed areas.

Wilfred George Gooden walked with kings, but never lost the common touch. His walls both in Jamaica and New York are filled with photographs and citations from both the American and Jamaican governments including former President Bill Clinton, former Jamaican Prime Ministers Norman Manley, Michael Manley, Alexander Bustamante, Edward Seaga and P.J. Patterson, as well as government officials in New York and Jamaica, church leaders, industry leaders and the leaders of educational institutions.

Wilfred Gooden was, above all, a community servant. He sat on the Board of Directors of: Housing Board in New York; FISH Clinics in Jamaica; The American Friends of Jamaica; Concerned Committee for Christian Education; and NAJASO.

Wilfred Gooden was honored as a philanthropist by Message Magazine in 1996 for his community service and humanitarianism and awarded honorary Doctor of Letters degree from Faith and Grant College in Huntsville, Alabama.

Wilfred Gooden wanted others to succeed and helped countless Jamaicans relocating to New York to get jobs—many in his own construction company. When housing was needed, when food was required, when winter

came and clothes and heat were required to keep bodies warm, they and others in the community knew whom to call: Wilfred Gooden. His charity knew no bounds. In the early years of their marriage, almost every Jamaican relocating to New York made the pilgrimage to the home of Wilfred Gooden for assistance in gaining a foothold in a new land.

Wilfred Gooden was committed to his Church—the Ephesus Seventh-Day Adventist Church in Manhattan. He served as M.V. Leader, Sabbath School teacher, Sabbath School Superintendent and since 1980, as Chairman of the Building Committee, where he did so much to see that the physical plant of the Church was maintained in a manner befitting God's people.

Christian Education was his passion. In 1980, he established The Concerned Committee for Christian Education to provide funds towards Christian schooling for Jamaica's children and organized a concert featuring the Cantata Choir from New York, held at the National Arena in Jamaica, of which the proceeds were used to refurbish and re-start the New Hope Preparatory school at the North Street Seventh-day Adventist Church. The school started out with one teacher and two students. The school has grown to 197 students, 12 teachers and a staff of 5.

Wilfred Gooden provided scholarships for young people who would otherwise not have been able to attend his alma mater, Northern Caribbean University, formerly West Indies College.

Wilfred Gooden personally assisted students from Jamaica, New York, Alabama, and Kenya. Each summer for the past 15 years, he has arranged employment for many students from various Adventist Colleges, thus aiding many in their pursuit of higher Christian education.

As much as he supported students, it was not only "classroom knowledge" that Wilfred Gooden wanted to instill. The Concerned Committee for Christian Education also sponsored the cost for 26 children from Jamaica to go to Disney World in Orlando, Florida, who would not have otherwise been able to have that fun-filled and exciting experience.

The young ladies and gentlemen of his hometown church—Ephesus in Harlem, New York—knew that their tertiary education was assured if they were willing to learn etiquette and social graces. All of the participants worked hard on the annual programs which his team, headed by Ms. Valerie Bennett and Mr. Joseph Merriweather managed. As the young ladies and gentlemen prepared for the Cotillion Ball at the Waldorf Astoria in New York, they stood tall in full bloom and presented themselves under the direction of these nurturers. It is important to note that while this program facilitated the personal development of these young people, it also funded scholarships for their tertiary education.

Jamaican students pursuing medicine, engineering, dentistry, and other disciplines overseas were assured of tuition, housing and personal assistance. Wilfred Gooden wanted to ensure that all Jamaican youth had a chance to succeed so they could make meaningful contributions to society.

Wilfred Gooden loved his native Jamaica and was always willing to support his native land. He thought young people from the country should learn Jamaican civic history and government, so with the authorization of the Jamaican government, he distributed copies of the Jamaican Constitution to every high school student in Jamaica.

Wilfred Gooden brought notable Americans, including former Mayor David Dinkins and New York City Councilwoman Una Clarke, to

the campus of his alma mater, Northern Caribbean University. He wanted people to know the quality of the Jamaican educational system and what his church and school were doing for the world.

The philosophy and creed that Wilfred Gooden lived by was simple:

To leave some simple mark behind
To keep his having lived in mind
To be an honest generous foe
To play any part even if the honors did not fall on him.

And like Edgar Guest would say:

I'd like to think when life is done
That I had filled a needed post
That here and there I'd paid my fare
With more than idle talk and boast;
That I had taken gifts divine,
The breath of life and manhood fine,
And tried to use them now and then
In service to my fellow men.

Madam Speaker, the famed writer John Donne declared "Death comes equally to us all and makes us all equal when it comes." Donne goes on:

Death, be not proud,
Though some have called thee
Mighty and dreadful, for
Thou art not so,
For, those whom thou think'st
Thou dost overthrow
Die not, poor death, nor yet canst thou kill me.

In closing Madam Speaker, let me say that although my heart is heavy with sorrow, it is also filled with joy because I was one of the thousands of people whose lives has elevated and enriched by my association with the remarkable, the unforgettable, the irreplaceable Wilfred George Gooden. He was a role model, a hero, a mentor, a friend. He was my uncle and I will miss him terribly.

Daily Digest

HIGHLIGHTS

Senate passed S. 1, Ethics Reform.

Senate

Chamber Action

Routine Proceedings, pages S709–S782

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 329–340, and S. Res. 33–34. **Page S753**

Measures Reported:

S. Res. 32, authorizing expenditures by the Committee on Small Business and Entrepreneurship.

Page S753

Measures Passed:

Ethics Reform: By 96 yeas to 2 nays (Vote No. 19), Senate passed S. 1, to provide greater transparency in the legislative process, after taking action on the following amendments proposed thereto:

Pages S737–46

Adopted:

Vitter/Inhofe Further Modified Amendment No. 9 (to Amendment No. 3), to prohibit Members from having official contact with any spouse of a Member who is a registered lobbyist.

Page S742

Feinstein (for Ensign) Amendment No. 98 (to Amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House.

Pages S741, S742

Bond (for Coburn) Amendment No. 51 (to Amendment No. 3), to prohibit Members from requesting earmarks that may financially benefit that Member or immediate family member of that Member.

Page S742

Feingold Amendment No. 31 (to Amendment No. 3), to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period.

Page S742

Feingold Amendment No. 33 (to Amendment No. 3), to prohibit former Members who are lobby-

ists from using gym and parking privileges made available to Members and former Members.

Page S742

Feinstein (for Durbin) Amendment No. 77 (to Amendment No. 3), to require that amendments and instructions accompanying a motion to recommit be copied and provided by the Senator offering them to the desks of the Majority Leader and Minority Leader before being debated.

Pages S742–43

Obama/Feingold Amendment No. 41 (to Amendment No. 3), to require lobbyists to disclose the candidates, leadership PACs, or political parties for whom they collect or arrange contributions, and the aggregate amount of the contributions collected or arranged.

Pages S741–42

Sanders Amendment No. 57 (to Amendment No. 3), to require a report by the Commission to Strengthen Confidence in Congress regarding political contributions before and after the enactment of certain laws.

Page S742

Bennett (for Coleman) Modified Amendment No. 39 (to Amendment No. 3), to require that a publicly available website be established in Congress to allow the public access to records of reported Congressional official travel.

Page S742

Feinstein/Bennett Amendment No. 99, of a technical nature.

Page S743

By 55 yeas to 43 nays (Vote No. 17), Bennett/McConnell Amendment No. 20 (to Amendment No. 3), to strike a provision relating to paid efforts to stimulate grassroots lobbying.

Pages S739–41, S743

Reid Amendment No. 3, in the nature of a substitute.

Page S744

Rejected:

By 27 yeas to 71 nays (Vote No. 18), Lieberman Amendment No. 30 (to Amendment No. 3), to establish a Senate Office of Public Integrity.

Pages S743–44

Withdrawn:

DeMint Amendment No. 12 (to Amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope. **Page S738**

DeMint Amendment No. 14 (to Amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization. **Page S738**

Leahy/Pryor Amendment No. 2 (to Amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption. **Page S738**

Gregg Amendment No. 17 (to Amendment No. 3), to establish a legislative line item veto. **Page S738**

Ensign Amendment No. 24 (to Amendment No. 3), to provide for better transparency and enhanced Congressional oversight of spending by clarifying the treatment of matter not committed to the conferees by either House. **Page S738**

Ensign Modified Amendment No. 25 (to Amendment No. 3), to ensure full funding for the Department of Defense within the regular appropriations process, to limit the reliance of the Department of Defense on supplemental appropriations bills, and to improve the integrity of the Congressional budget process. **Page S738**

Cornyn Amendment No. 26 (to Amendment No. 3), to require full separate disclosure of any earmarks in any bill, joint resolution, report, conference report or statement of managers. **Page S738**

Cornyn Amendment No. 27 (to Amendment No. 3), to require 3 calendar days notice in the Senate before proceeding to any matter. **Page S738**

Bennett (for McCain) Amendment No. 28 (to Amendment No. 3), to provide congressional transparency. **Page S738**

Bennett (for McCain) Amendment No. 29 (to Amendment No. 3), to provide congressional transparency. **Page S738**

Thune Amendment No. 37 (to Amendment No. 3), to require any recipient of a Federal award to disclose all lobbying and political advocacy. **Page S738**

Feinstein/Rockefeller Amendment No. 42 (to Amendment No. 3), to prohibit an earmark from being included in the classified portion of a report accompanying a measure unless the measure includes a general program description, funding level, and the name of the sponsor of that earmark. **Page S738**

Feingold Amendment No. 34 (to Amendment No. 3), to require Senate campaigns to file their FEC reports electronically. **Page S738**

Durbin Amendment No. 36 (to Amendment No. 3), to require that amendments and motions to recommit with instructions be copied and provided by

the clerk to the desks of the Majority Leader and the Minority Leader before being debated. **Page S738**

Cornyn Amendment No. 45 (to Amendment No. 3), to require 72-hour public availability of legislative matters before consideration. **Page S738**

Cornyn Amendment No. 46 (to Amendment No. 2), to deter public corruption. **Page S738**

Bond (for Coburn) Amendment No. 48 (to Amendment No. 3), to require all recipients of Federal earmarks, grants, subgrants, and contracts to disclose amounts spent on lobbying and a description of all lobbying activities. **Page S738**

Bond (for Coburn) Amendment No. 49 (to Amendment No. 3), to require all congressional earmark requests to be submitted to the appropriate Senate committee on a standardized form. **Page S738**

Bond (for Coburn) Amendment No. 50 (to Amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed. **Page S738**

Nelson (NE) Amendment No. 47 (to Amendment No. 3), to help encourage fiscal responsibility in the earmarking process. **Page S738**

Reid (for Lieberman) Amendment No. 43 (to Amendment No. 3), to require disclosure of earmark lobbying by lobbyists. **Page S738**

Reid (for Casey) Amendment No. 56 (to Amendment No. 3), to eliminate the K Street Project by prohibiting the wrongful influencing of a private entity's employment decisions or practices in exchange for political access or favors. **Page S738**

Bennett (for Coburn) Amendment No. 59 (to Amendment No. 3), to provide disclosure of lobbyist gifts and travel instead of banning them as proposed. **Page S738**

Feingold Amendment No. 63 (to Amendment No. 3), to increase the cooling off period for senior staff to 2 years and to prohibit former Members of Congress from engaging in lobbying activities in addition to lobbying contacts during their cooling off period. **Page S738**

Feingold Amendment No. 64 (to Amendment No. 3), to prohibit lobbyists and entities that retain or employ lobbyists from throwing lavish parties honoring Members at party conventions. **Page S738**

Feingold/Obama Amendment No. 76 (to Amendment No. 3), to clarify certain aspects of the lobbyist contribution reporting provision. **Page S738**

Nelson (NE)/Salazar Amendment No. 71 (to Amendment No. 3), to extend the laws and rules passed in this bill to the executive and judicial branches of government. **Page S738**

Joint Committee on Taxation: The Chair announced on behalf of the Committee on Finance, that pursuant to section 8002 of title 26, U.S. Code, the following Senators were designated as members

of the Joint Committee on Taxation: Senators Baucus, Rockefeller, Conrad, Grassley, and Hatch.

Page S781

Funding Resolution—Referral: A unanimous-consent agreement was reached providing that the Committee on Rules and Administration be discharged from further consideration of S. Res. 32, authorizing expenditures by the Committee on Small Business and Entrepreneurship, and be referred to the Committee on Small Business and Entrepreneurship.

Page S731

Fair Minimum Wage—Agreement: A unanimous-consent agreement was reached providing that at 2:00 p.m. on Monday, January 22, 2007, Senate begin consideration of H.R. 2, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Page S781

Appointments:

Congressional Budget Office: The Chair announced on behalf of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, pursuant to the provisions of Section 201(a)(2) of the Congressional Budget Act of 1974, have appointed Dr. Peter R. Orszag as Director of the Congressional Budget Office effective immediately for the term expiring January 3, 2011.

Page S731

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM-1)

Page S752

Nominations Received: Senate received the following nominations:

Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration.

William B. Wood, of New York, to be Ambassador to the Islamic Republic of Afghanistan.

Paul J. Bonicelli, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Patrick P. Shen, of Maryland, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

19 Air Force nominations in the rank of general.
9 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army.

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Messages From the House:

Page S752

Messages Referred:

Page S752

Measures Placed on the Calendar:

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Measures Read the First Time:

Page S753

Executive Communications:

Page S753

Additional Cosponsors:

Pages S753–54

Statements on Introduced Bills/Resolutions:

Pages S754–80

Additional Statements:

Pages S751–52

Amendments Submitted:

Page S780

Notices of Hearings/Meetings:

Pages S780–81

Authorities for Committees to Meet:

Page S781

Record Votes: Three record votes were taken today. (Total—19)

Pages S743, S744, S746

Adjournment: Senate convened at 9:00 a.m., and adjourned at 9:35 p.m., until 1:00 p.m., on Monday, January 22, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S781–82.)

Committee Meetings

(Committees not listed did not meet)

IRAQ

Committee on Armed Services: Committee met in closed session to receive a briefing on intelligence assessments on the situation in Iraq from David F. Gordon, Vice Chairman, National Intelligence Council; Lieutenant General Michael D. Maples, USA, Director, Defense Intelligence Agency, Department of Defense; Randall M. Fort, Assistant Secretary of State for Intelligence and Research; and Peter A. Clement, Deputy Director of Intelligence for Strategic Plans, Central Intelligence Agency.

TRANSIT SECURITY

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of transit security, focusing on safeguarding America's bus, rail, and ferry systems, after receiving testimony from Mayor Dannel P. Malloy, Stamford, Connecticut, on behalf of the U.S. Conference of Mayors; William W. Millar, American Public Transportation Association, and Warren S. George, Amalgamated Transit Union, both of Washington, D.C.; Auerilio Rojo Garrido, Metro Madrid and Secretary General, Madrid, Spain, on behalf of the Association of Latin American Metros and Subways; and Tim O'Toole, London Underground, London, United Kingdom.

FEDERAL BUDGET CHALLENGES

Committee on the Budget: Committee concluded a hearing to examine long-term economic and federal

budget challenges, focusing on entitlement spending, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

TRANSPORTATION SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded an oversight hearing to examine Federal efforts for rail and surface transportation security, focusing on prioritizing and guiding security measures, after receiving testimony from Edmund Hawley, Assistant Secretary of Homeland Security, Transportation Security Administration; Joseph H. Boardman, Administrator, Federal Railroad Administration, John H. Hill, Administrator, Federal Motor Carrier Safety Administration, and Vice Admiral Thomas J. Barrett, USCG (Ret.), Administrator, Pipeline and Hazardous Materials Safety Administration, all of the Department of Transportation; Cathleen A. Berrick, Director, Homeland Security and Justice Issues, Government Accountability Office; and Richard L. Canas, New Jersey Office of Homeland Security and Preparedness, Trenton.

OIL AND GAS ROYALTY MANAGEMENT

Committee on Energy and Natural Resources: Committee held an oversight hearing to examine issues relating to oil and gas royalty management at the Department of the Interior, focusing on the Minerals Management Service (MMS), receiving testimony from Earl E. Devaney, Inspector General, and C. Stephen Allred, Assistant Secretary for Land and Minerals Management, both of the Department of the Interior; and Mark E. Gaffigan, Acting Director, Natural Resources and Environment, Government Accountability Office.

Hearing recessed subject to the call.

IRAQ

Committee on Foreign Relations: Committee concluded a hearing to examine the military and security strategy relating to securing America's interests in Iraq,

after receiving testimony from General Barry R. McCaffrey, USA (Ret.), United States Military Academy, Arlington, Virginia; General Jack Keane, USA (Ret.), former Vice Chief of Staff of the United States Army, and Lieutenant General William E. Odom, USA (Ret.), former Director, National Security Agency, Hudson Institute, both of Washington, D.C.; and General Joseph P. Hoar, USMC (Ret.), former Commander-in-Chief, United States Central Command, Del Mar, California.

BUSINESS MEETING

Committee on Indian Affairs: Committee met and elected Senator Dorgan as Chairman and Senator Thomas as Vice Chairman.

Also, Committee adopted its rules of procedure for the 110th Congress.

DEPARTMENT OF JUSTICE

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Department of Justice, focusing on immigration reform, combating terrorism, violent crime and drugs, Internet crime, and preventing identity theft, fraud, and intellectual property crimes, after receiving testimony from Alberto R. Gonzales, Attorney General, Department of Justice.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported an original resolution (S. Res. 32) authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 110th Congress.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 28 public bills, H.R. 547–574; 1 private bill, H.R. 575; and 7 resolutions, H.J. Res. 19; H. Con. Res. 34–37; and H. Res. 76–77 were introduced.

Pages H758–59

Additional Cosponsors:

Pages H759–60

Reports Filed: A report was filed on January 2, 2007 as follows: Report on the Activity of the Committee on Energy and Commerce for the 109th Congress (H. Rept. 109–751).

Page H758

Policies of the Chair: The Chair announced her policies with respect to special order speeches. Without objection the announcement will be printed in the Record.

Page H673

Committee Elections: The House agreed to H. Res. 74, electing the following Members of the Minority to serve on certain standing committees of the House of Representatives: Committee on the Budget: Representatives Bonner, Garrett (NJ), Barrett (SC), McCotter, Mario Diaz-Balart (FL), Hensarling, Daniel E. Lungren (CA), Simpson, McHenry, Mack, Conaway, Campbell (CA), Tiberi, Porter, Alexander, and Smith (NE). Committee on Foreign Affairs: Representative Manzullo, to rank after Representative Rohrabacher.

Page H674

Committee Elections: The House agreed to H. Res. 73, electing the following Members of the Majority to serve on a certain standing committee of the House of Representatives: Committee on the Budget: Representatives DeLauro, Edwards, Capps, Cooper, Allen, Schwartz (PA), Kaptur, Becerra, Doggett, Blumenauer, Berry, Boyd (FL), McGovern, Sutton, Andrews, Scott (VA), Etheridge, Hooley, Baird, Moore (KS), and Bishop (NY).

Page H675

Revising the Composition of the House of Representatives Page Board—Order of Business: The House agreed by unanimous consent that it should be in order at any time to consider H.R. 475, to revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages; that the bill shall be considered as read; and that the previous question shall be considered as ordered on the bill to final passage without intervening motion except: 30 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and one motion to recommit, with or without instructions.

Page H678

Motion to Adjourn: Rejected the Boehner motion to adjourn by a ye-a-and-nay vote of 184 yeas to 233 nays, Roll No. 34.

Pages H678–79

Question of Consideration: The House agreed to consider H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, by a Recorded vote of 228 ayes to 193 noes, Roll No. 37.

Pages H689–90

CLEAN Energy Act of 2007: The House passed H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency,

and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, by a ye-a-and-nay vote of 264 yeas to 163 nays, Roll No. 40.

Pages H688–H729

Rejected the McCrery motion to recommit the bill to the Committee on Ways and Means, the Committee on Natural Resources, the Committee on the Budget, and the Committee on Rules with instructions that each Committee report the same back to the House after the Committee holds hearings on, and considers, the bill, by a ye-a-and-nay vote of 194 yeas to 232 nays, Roll No. 38.

Pages H726–27

Agreed to table the appeal of the ruling of the Chair on a point of order raised by Mr. Blunt, by a ye-a-and-nay vote of 230 yeas to 195 nays, Roll No. 39.

Pages H728–29

H. Res. 66, the rule providing for consideration of the bill, was agreed to by a Recorded vote of 230 ayes to 194 noes, Roll No. 36, after agreeing to order the previous question by a ye-a-and-nay vote of 231 yeas to 194 nays, Roll No. 35.

Pages H675–88

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Wednesday, January 17:

Congratulating the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship: H. Res. 62, to congratulate the Grand Valley State University Lakers for winning the 2006 NCAA Division II Football National Championship, by a 2/3 ye-a-and-nay vote of 422 yeas with none voting “nay”, Roll No. 41.

Pages H729–30

Committee Leave of Absence: Read a letter from Representative Langevin wherein he requested a leave of absence, effective immediately, from the Committee on Armed Services in order to serve on the Permanent Select Committee on Intelligence.

Pages H730–31

Committee Elections: The House agreed to H. Res. 75, electing the following Members and Delegates of the Majority to serve on certain standing committees of the House of Representatives: Committee on Armed Services: Representative Meek, to rank immediately after Mr. Cummings. Committee on Financial Services: Representative Boren. Committee on the Judiciary: Representatives Berman, Boucher, Nadler, Scott (VA), Watt, Zoe Lofgren (CA), Jackson-Lee (TX), Waters, Meehan, Delahunt, Wexler, Linda T. Sánchez (CA), Cohen, Johnson (GA), Gutierrez, Sherman, Weiner, Schiff, Davis (AL), and Ellison. Committee on Natural Resources: Representatives Kildee, Faleomavaega, Abercrombie, Ortiz, Pallone, Christensen, Napolitano, Holt, Grijalva, Bordallo, Costa, Boren, Sarbanes, George

Miller (CA), Markey, DeFazio, Hinchey, Kennedy (RI), Kind, Capps, Inslee, Udall (CO), Baca, Solis, Herseth, and Shuler. Committee on Science and Technology: Representatives Costello, Eddie Bernice Johnson (TX), Woolsey, Udall (CO), Wu, Baird, Miller (NC), Lipinski, Lampson, Giffords, McNerney, Rothman, Honda, Matheson, Ross, Chandler, Carnahan, Melancon, Hill, Mitchell, and Wilson (OH). Committee on Veterans' Affairs: Representative Berkley, to rank immediately after Representative Doyle, and Representative Walz (MN).

Page H731

Joint Economic Committee—Appointment: The Chair announced the Speaker's appointment of Representative Maloney of New York to the Joint Economic Committee.

Page H732

Presidential Message: Read a message from the President notifying Congress of the continuation of the national emergency with respect to foreign terrorists—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–8). **Page H734**

Quorum Calls—Votes: Six yea-and-nay votes and two Recorded votes developed during the proceedings of today and appear on pages H678–79, H687, H688, H690, H727, H728–29, H729, and H730. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:35 p.m.

Committee Meetings

NAVY, AIR FORCE, GUARD AND RESERVE READINESS

Committee on Appropriations: Met in executive session on Navy and Air Force Readiness. Testimony was heard from ADM Michael G. Mullen, USN, Chief of Naval Operations; and GEN T. Michael Moseley, USAF, Chief of Staff, U.S. Air Force.

The Subcommittee also met in executive session on Guard and Reserve Readiness. Testimony was heard from LTG H. Steven Blum, USA, Chief of the National Guard Bureau; LTG Jack C. Stultz, USAR, Chief of Army Reserve; VADM John G. Cotton, USN, Chief of Navy Reserve; LTG John A. Bradley, USAF, Chief, Air Force Reserve; and LTG John W. Bergman, USMC, Commander, Marine Forces Reserve.

IRAQ RECONSTRUCTION AUDITS

Committee on Armed Services: Held a hearing on approaches to audit of reconstruction and support activities in Iraq. Testimony was heard from David M. Walker, Comptroller General; the following officials of the Department of Defense: Thomas E. Gimble, Acting Inspector General; and Stuart W. Bowen, Jr.,

Special Inspector General; and Howard J. Krongard, Inspector General, Department of State.

U.S. FORCE PROTECTION IN IRAQ AND AFGHANISTAN

Committee on Armed Services: Subcommittee on Air and Land Forces held a hearing on Army force protection equipment for Operation Iraqi Freedom and Operation Enduring Freedom. Testimony was heard from the following officials of the Department of Defense: LTG Stephen M. Speakes, USA, Deputy Chief of Staff, Army G–8; MG Jeffrey A. Sorenson, USA, Deputy for Acquisition and Systems Management, Assistant Secretary of the Army (Acquisition, Logistics and Technology), all with the Department of the Army; Robert L. Buhrkuhl, Director, Joint Rapid Acquisition Cell, Office of Under Secretary of Defense (Acquisition, Technology and Logistics); and CAPT Joseph McGettigan, USN, Commanding Officer, Naval Surface Warfare Center, Dahlgren Division; Philip Coyle, former Director, Operational Test and Development, Office of the Secretary of Defense; and Ray Dubois, Jr., former Acting Under Secretary of the Army.

BUDGETING FOR WAR COSTS; COMMITTEE ORGANIZATION; CBO DIRECTOR

Committee on the Budget: Held a hearing on Budgeting for War Costs. Testimony was heard from the following officials of the Department of Defense: Gordon England, Deputy Secretary; ADM Edmund P. Giambastiani, Jr., USN, Vice Chairman, Joint Chiefs of Staff; and Tina W. Jonas, Under Secretary (Comptroller); Robert Sunshine, Assistant Director, CBO; Steve Kosiak, Director of Budget Studies, Center on Strategic and Budgetary Assessments.

Prior to the hearing, the Committee met for organizational purposes.

The Committee approved the recommendation to appoint Peter Orszag as the Director of CBO.

OVERSIGHT—NORTH KOREA

Committee on Foreign Affairs: Held a briefing on North Korea. Testimony was heard from William J. Perry, former Secretary of Defense; and James Lilley, former U.S. Ambassador to South Korea.

COMMITTEE ORGANIZATION

Committee on Oversight and Reform: Met for organizational purposes.

U.S. NATIONAL SECURITY—CURRENT AND PROJECTED THREATS

Permanent Select Committee on Intelligence: Held a hearing on Current and Projected Threats to U.S. National Security. Testimony was heard from John D. Negroponte, Director of National Intelligence.

The Committee also met in executive session on this subject. Testimony was heard from John D. Negroponte, Director of National Intelligence.

NEW PUBLIC LAWS

S. 159, to redesignate the White Rocks National Recreation Area in the State of Vermont as the “Robert T. Stafford White Rocks National Recreation Area”. Signed on January 17, 2007 (Public Law 110–1)

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 19, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related

Agencies, with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine stem cell research, 9:30 a.m., SD–192.

Committee on Health, Education, Labor, and Pensions: With the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold joint hearings to examine stem cell research, 9:30 a.m., SD–192.

House

Committee on Appropriations, on Military Medical Readiness and Related Issues, 10 a.m., H–140 Capitol.

Committee on Foreign Affairs, hearing on the Baker-Hamilton Commission Report, 10 a.m., 2172 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on the Need for Renewed Investment in Clean Water Infrastructure, 9:30 a.m., 2167 Rayburn.

Next Meeting of the SENATE

1:00 p.m., Monday, January 22

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 1 hour), Senate will begin consideration of H.R. 2, Fair Minimum Wage.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, January 19

House Chamber

Program for Friday: Consideration of H.R. 475—To revise the composition of the House of Representatives Page Board to equalize the number of members representing the majority and minority parties and to include a member representing the parents of pages and a member representing former pages.

Extensions of Remarks, as inserted in this issue

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